

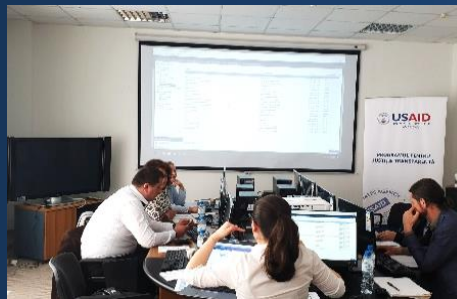


USAID
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QUARTERLY REPORT

APRIL 1, 2019 – JUNE 30, 2019

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA



July 30, 2019

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USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

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OBJECTIVE I

- I. Synopsis of the Report on Archive Information System Development (Activity 2.3.1.5 – Year 2 Work Plan)

2. Report on ICMS Piloting Phase 4.1 – Cahul, Comrat, and Balti Appellate Courts' Circuit (Activity 1.2.3.5 – Year 2 Work Plan & Activity 1.2.2.5 – Year 3 Work Plan)
3. Report on Pre-deployment ICMS Training Activities Organized during April–June 2019 (Activity 1.2.4.1 – Year 2 Work Plan & Activity 1.2.3.1 – Year 3 Work Plan)
4. Report on Automatic Random Distribution of Cases in Moldovan Courts during April 2019 (Activity 1.3.1.3 – Year 2 Work Plan)
5. Report on Automatic Random Distribution of Cases in Moldovan Courts during May 2019 (Activity 1.3.1.3 – Year 2 Work Plan)

OBJECTIVE 2

6. Report on the TOT Training and Workshop for Judicial Ethics Commission Members on the Application of the Moldovan Code of Professional Ethics and Conduct by Judges (Activity 2.2.3.1 – Year 2 Work Plan)
7. FAQs for Judges on Common Ethics Dilemmas (Activity 2.2.3.3 – Year 2 Work Plan)

LIST OF ACRONYMS

ACA	Agency for Court Administration
CMS	Case Management System
CRO	Court Reorganization and Optimization
EAP	Efficiency Action Plan
EJSM	Electronic Judicial Statistics Module
FAQ	Frequently Asked Question
ICMS	Integrated Case Management System
IFCE	International Framework for Court Excellence
IT	Information Technology
JEC	Judicial Ethics Commission
JPEB	Judges' Performance Evaluation Board
JSRS	Judicial Sector Reform Strategy
MELP	Monitoring, Evaluation, and Learning Plan
MOJ	Ministry of Justice
NCPPD	National Center for the Protection of Personal Data
SCM	Superior Council of Magistracy
SITCS	Service for Information Technology and Cyber Security
STTA	Short Term Technical Assistance
ToT	Train the Trainers
USAID	United States Agency for International Development

ABOUT THE PROJECT

The United States Agency for International Development's (USAID's) Open Justice Project is a rule of law project being implemented in Moldova from May 2017 until September 2019. Its purpose is to assist the Government of Moldova to improve the efficiency and transparency of the Moldovan judicial system and improve access to justice for the citizens of Moldova.

The Open Justice Project's components include:

- **Objective 1: Increased Efficiency of the Justice System** — Activities to align Case Management System (CMS) updates with recently passed laws complementing court reorganization and optimization (CRO) efforts, develop an overarching Integrated Case Management System (ICMS) built to interface with existing and future databases in the justice sector, strengthen court administration processes, and build the capacity of the Superior Council of Magistracy (SCM) and the Ministry of Justice (MOJ) to refine legislation consistent with the goals and objectives of the Judicial Sector Reform Strategy (JSRS), in close collaboration with civil society.
- **Objective 2: Increased Transparency and Accountability of the Justice System** — Activities to advance and fully apply judicial ethics standards, disciplinary procedures, and a sound evaluation and merit-based judicial selection system to reduce corruption risks, strengthen professionalism and integrity, and hold the judiciary accountable for violations of ethical standards and the law.

In implementing these activities, the Open Justice Project works in partnership with key actors and stakeholders within Moldova's justice system, primarily the SCM, the MOJ, and the Agency for Court Administration (ACA), as well as the courts throughout the country.

In addition to court automation and implementing modern information technology (IT) solutions in the judiciary, the Project is assisting its local counterparts to improve caseflow and court processes, streamline the court reorganization process, and display court performance indicators and a statistical web report card online so that media and citizens can gain access to information about court performance. The Project also digitized the judicial decisions of the Chisinau District Court issued from 1965 to 2009, which totaled 740,824 decisions. This will enable judges and staff from the Chisinau District Court to access these decisions online, and will contribute to more consistent application of the law in court decisions. Together, the Project's activities will lead to the modernization and automation of the Moldovan courts and will also significantly bolster judicial transparency and accountability.

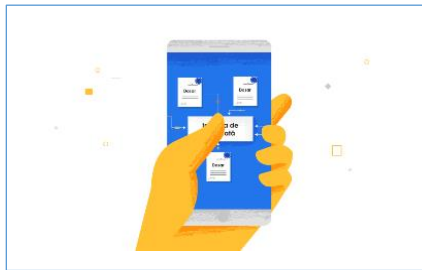
The Project's activities are led by a team of experienced national legal experts with in-depth knowledge of the Moldovan justice system. The local team is supported by a wide range of international and national experts who provide specialized expertise.

Open Justice Project by the Numbers — This Quarter

Court Automation



A modern **Integrated Case Management System** piloted in **6** courts (**15** locations)



36 judicial claims submitted via the E-File Module, including via the mobile version of the system



1,267 judges and court staff trained on using the new ICMS functionalities

Efficiency



3 advisory opinions delivered to the Judicial Ethics Commission



1 guide on the reasoning of decisions on judges' selection delivered to the SCM



18 judges trained in judicial ethics to train other Moldovan judges on judicial ethics

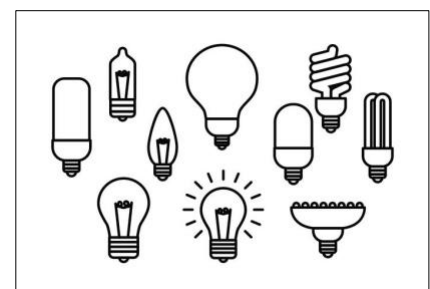
Transparency



5 upgraded webpages for Northern Moldovan courts launched on the Courts' Web Portal



2 articles, **2** interviews, and **2** videos published on the thematic justice website to inform the public about the judicial reform



8,638 people informed about the new ICMS, judges' selection, ethics, and discipline through articles, interviews, and videos

EXECUTIVE SUMMARY

The Open Justice Project is pleased to present its third Quarterly Report for the 2019 fiscal year, covering the period from April 1, 2019 to June 30, 2019. This report highlights Open Justice's major accomplishments to date and describes progress made toward the Project's goals of advancing the Moldovan justice system's efficiency, transparency, and accountability.

This Quarterly Report begins with a list of the Project's key achievements, followed by a description of the Project's specific activities and results attained under each of its two objectives. The performance management section addresses the progress toward completion of the Project's targets. The report also includes a budget execution section, a list of counterparts actively engaged with the Project, and an administration and project management section, along with all of the deliverables prepared during the reporting period. The Report on the Monitoring, Evaluation, and Learning Plan (MELP) is included as Annex I.

Under Objective I, the Project completed several major activities that will enhance court automation and will consolidate the use of innovative IT solutions in the Moldovan justice sector, thus enhancing its efficiency, transparency, and accountability.

Specifically, during the reporting period, the Project successfully piloted the new overarching ICMS in the Supreme Court of Justice (two locations) and in five courts situated in northern Moldova (a total of 13 locations). The ICMS piloting was a highly complex effort that included training 1,267 ICMS users, migrating over 2.9 million case files from the old CMS into the new ICMS, providing intensive on-site assistance to pilot courts' judges and staff, addressing numerous incidents that were documented and immediately fixed at the request of users, and providing constant support to the pilot courts via a call center that the Project established for this phase. The Project also offered significant assistance to the SCM and the ACA/MOJ in drafting complex documentation required by legislation for piloting of the new ICMS system.

Thus, by June 30, 2019, a total of 11 Moldovan courts (out of 20 courts) were using the new ICMS. The Project initially piloted the ICMS in January 2019 in three courts in southern Moldova, expanding the ICMS piloting to two additional courts in March 2019. The Project will implement the ICMS in the remaining nine courts in July 2019. Thus, by the Project's completion date of September 30, 2019, all Moldovan courts will be using the new ICMS and all of its functionalities.

On April 1, 2019, Open Justice also piloted the E-File Module in the Cahul District and the Appellate Courts. The E-File Module, which is linked with the ICMS, is a web service that allows lawyers to file complaints online (including from mobile phones) and access case materials remotely. By June 30, 2019, lawyers from the Cahul Bar successfully submitted 36 claims using the E-File Module, including through the mobile version of the system. During the next quarter, the Project will continue to support the implementation of the E-File Module across the entire country.

The Project's subcontractor Andmevara completed the digitization of 740,824 decisions, amounting to over 2,278 million pages, from the Chisinau District Court's 1973–2009 archive. Andmevara also developed a web application that connects the digitized archive and the ICMS so that judges and court staff from the Chisinau District Court can search and access the digitized decisions online. Open Justice will host the archive on a computer at the Chisinau Court until the archive is transferred onto

a dedicated server that the SCM will purchase in 2019. Andmevara offered a warranty period for any necessary maintenance work on the digital archive until April 2020.

Under Objective 2, the Project finalized its activities to assist the SCM and MOJ to identify shortcomings and propose solutions to improve judicial selection, evaluation, ethics, and disciplinary practices, which are areas of great concern to the public, the media, and donors. During the reporting quarter, Project representatives met with the SCM members to present and discuss the recommendations included in the Guide on Drafting Well-Reasoned SCM Decisions on Judicial Selections that the Project developed and submitted to the SCM. The SCM intends to use the recommendations from the Guide during the upcoming judicial selection round scheduled for July 2019.

As part of its efforts to strengthen the integrity of the judiciary, during the reporting quarter, Open Justice continued to provide capacity building and technical assistance to the Judicial Ethics Commission (JEC), which the SCM established in May 2018. To this end, the Project developed three draft Advisory Opinions — on *ex parte* communication of judges, conflicts of interest and disqualification, and judges and social media — which the JEC will review, edit, and publish on the SCM website as guidance for judges. In April 2019, the Project conducted an interactive judicial ethics seminar and a Train-the-Trainers (ToT) workshop for JEC members, which significantly solidified their knowledge about judicial ethics and built their skills to train fellow judges on topics of judicial ethics in the future.

During this quarter, Open Justice delivered two animated videos to the ACA/MOJ showcasing the benefits to the public that have been achieved through the introduction of the ICMS, and the E-File Module for submitting online court complaints. The ICMS video is already running on screens located in the hallways of all Moldovan courts. The E-File video is running on screens in the hallways of the two Cahul courts that are piloting the E-File Module, and it will be placed in all courts once the use of the E-File Module is extended to the rest of the courts. The two videos are an important part of the Project's outreach campaign to highlight the benefits being brought to the public through the use of IT tools in the judiciary. These videos will continue to be used after the Project is completed, thereby sustaining efforts to increase public trust in the justice system.

During the reporting period, Open Justice informed a total of 8,638 people about various topics relevant to the Project's main activity areas and cross-cutting issues (6,332 persons via the thematic website, www.justitiatransparenta.md, and 2,306 persons via social media channels). The Project also delivered 3,718 printed materials to every court location (main and secondary premises), such as brochures, posters, and flyers about the ICMS, E-File, and court users' rights. These outreach materials, presented in Romanian and Russian, will help raise the public's awareness of the benefits of the ICMS, especially for those in remote locations.

SIGNIFICANT EVENTS OF THE QUARTER

OBJECTIVE 1: INCREASED EFFICIENCY OF THE JUSTICE SYSTEM

During the reporting period, under Objective 1, the Open Justice Project:

- Piloted the new ICMS in the Supreme Court of Justice (two locations)
- Piloted the new ICMS in the District Courts of Balti, Drochia, Edinet, and Soroca and the Balti Appellate Court (a total of 13 locations)
- Launched the piloting of the E-File Module in the Cahul District Court and the Cahul Court of Appeal
- Prepared the piloting of the new ICMS in the Chisinau Court of Appeal and the Chisinau, Criuleni, Hincesti, Orhei, Strasenii, Anenii-Noi, Causeni, and Ungheni District Courts
- Trained 1,267 judges and court staff on the use of the new ICMS
- Offered support to 20 attorneys during the piloting of the E-File Module at the Cahul District Court and the Cahul Court of Appeal
- Developed two Monitoring Reports on Random Case Distribution in Moldovan Courts via CMS for April and May 2019 and presented them to the SCM and ACA/MOJ
- Trained five judicial inspectors on how to monitor the activity of ICMS users via the new ICMS
- Developed the Archive Information System for searching and retrieving the digitized documents of the Chisinau District Court
- Drafted amendments to the SCM Instruction on electronic statistical reporting for all court levels to include new statistical data
- Distributed a total of 3,718 printed informational materials (posters, flyers, and calendars) on the benefits and functionalities of the E-File Module to every court in Moldova

OBJECTIVE 2: INCREASED TRANSPARENCY AND ACCOUNTABILITY IN THE JUSTICE SYSTEM

The following activities were the Project's major achievements under Objective 2:

- Delivered to and discussed with the SCM leadership the Guide on Drafting Well-Reasoned SCM Decisions on Judicial Selections
- Conducted the Workshop and the ToT for JEC members on the application of the Moldovan Code of professional ethics and conduct for judges

- Developed three new draft models for the JEC's *ex officio* opinions on topics related to: 1) *ex parte* communication of judges, 2) conflicts of interest and disqualification, and 3) judges and social media

SECTION I – ACTIVITIES AND RESULTS

OPEN JUSTICE PUBLIC OUTREACH ACTIVITIES

TWO NEW ARTICLES AND TWO NEW INTERVIEWS ABOUT THE MOLDOVAN JUDICIAL SYSTEM PUBLISHED ON THE THEMATIC WEBSITE

From September 2018 to June 2019, Open Justice published 27 articles and interviews about the Moldovan justice sector on its thematic justice website, www.justitietransparenta.md. Of those, two articles and two interviews were published during the reporting period. One article explained, in laypersons terms, the complex processes of judicial evaluation, promotion, and transfer, while the other article focused on the ethics mandate of the JEC. In general, the information on the website is presented in plain language to make the complicated judicial reforms easy for the public to understand. The goal is to show the public how these reforms will benefit them by contributing to a more accountable judiciary and better court services.

The website also publishes interviews with key judicial personnel, such as the Chairperson of the Judges' Performance Evaluation Board (JPEB), who explained how judges go through continuous evaluations of their qualifications for office. By June 30, 2019, the interview had been viewed 5,992 times. In another interview, the Chairperson of the Judges' Disciplinary Board explained the mandate of this SCM Board and the stages of examination for disciplinary complaints against judges. During this quarter, the interview was viewed 636 times. These interviews provide the public with direct knowledge and insight about the efforts to improve the quality and accountability of judges and the transparency of the judicial process.

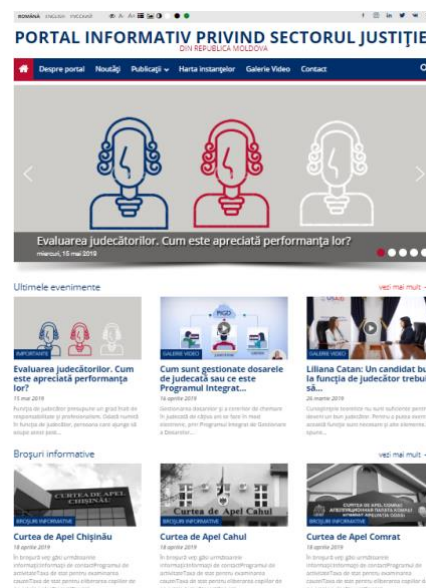


Figure 1 – The thematic justice website

MORE MOLDOVAN CITIZENS ARE AWARE OF THE BENEFITS OF THE INTEGRATED CASE MANAGEMENT SYSTEM

Building upon previous efforts informing the Moldovan people about the use and the benefits of the recently developed ICMS, Open Justice continued to liaise with different online communities on the internet and social media to share the animated video spot about the ICMS developed by the Project. By the end of June 2019, 38 online communities had shared or posted the video on their webpages. In total, the video was viewed 791 times on the Project's online pages on Facebook, Twitter, LinkedIn, Instagram, YouTube, and Vkontakte.



Figure 2 – Screenshot of the MOJ's Facebook page sharing the video spot about the ICMS

The metrics of the Project's Facebook page show that men and women are almost equally interested in the ICMS video. Of the total viewers, 41% were men and 59% were women. Nearly 40% of the viewers were between 25 and 34 years old, 30% were between 35 and 44 years old, and the remaining 30% were either under 18 or over 34 years old. The vast majority of the Project's Facebook viewers reside in Chisinau. The rest of the viewers are spread uniformly across the country, and several percent are also outside it (e.g., in London).

OUTREACH ACTIVITIES TO INFORM THE PUBLIC ABOUT A NEW JUDICIAL SERVICE – THE E-FILE MODULE

Open Justice completed the delivery of a total of 3,718 posters, flyers, and calendars with information about the benefits and functionalities of the ICMS E-File Module to every court location in Moldova. These outreach materials, presented in both Romanian and Russian, will help raise the public's awareness of the newly developed public service and its functionalities, such as submitting complaints online (including from mobile phones) and remote access to case materials.

The need for these materials was revealed by the public opinion surveys conducted by Open Justice in 2017 and in 2018, which showed that the public had very little knowledge about the IT tools being used in the courts or their functionalities and benefits. The delivery of outreach materials to the Moldovan courts is part of the Project's CRO Strategic Communication Plan, developed in partnership with the SCM, to inform the public and court users about the nature and benefits of the changes in the courts' reorganization, and to improve the public's access to justice sector information.



Figure 3 – Display of developed E-File posters, flyers, and calendars

THE SUPERIOR COUNCIL OF MAGISTRACY IS FULLY INFORMED OF THE RESULTS OF THE PUBLIC PERCEPTION SURVEYS

During the reporting quarter, Open Justice submitted the printed brochure and the one-page flyer, both showing the results of the two comparative public perception surveys conducted in 2017 and 2018, to the SCM.

The purpose of the 2017 and 2018 surveys was to analyze changes in the population's perception about the efficiency and transparency of the judicial system in the Republic of Moldova. In particular, the surveys measured the public's opinion regarding court reorganization, optimization, and automation, friendliness of court staff and services, corruption, gender equality, and transparency.

The SCM will be using these publications to inform their decision-making in the development of communication campaigns regarding the transparency, efficiency, and accessibility of court services. Additionally, Open Justice developed English versions of the brochure and the one-page flyer that will be published during the next quarter.

OBJECTIVE 1: INCREASED EFFICIENCY OF THE JUSTICE SYSTEM

SUB-OBJECTIVE 1.1: COURT REORGANIZATION AND OPTIMIZATION IMPLEMENTED

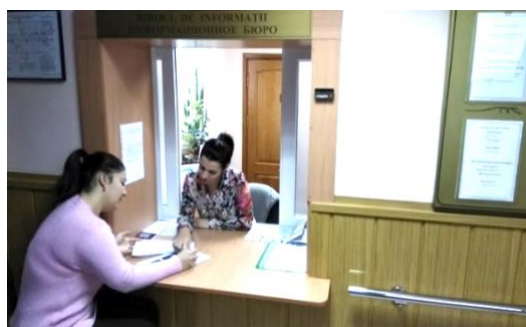
During the reporting quarter, covering the period from April 1, 2019 to June 30, 2019, the Open Justice Project continued to support justice sector institutions in implementing the CRO reform.

In April 2019, the MOJ requested the Project's recommendations on the draft of the new JSRS for 2019–2022, available online at <http://justice.gov.md/slidepageview.php?l=ro&idc=733>. In its response, Open Justice suggested introducing an additional action focused on informing court users and the public about the implementation of the CRO, including on the specialization of the courts and the expected benefits of the reform. In addition, the Project suggested expanding information activities to raise public awareness and demand for the IT services and technologies available in courts, which would facilitate the implementation of CRO.

The proposals were driven by the need, identified by Open Justice, to maintain continuous communication and inform the public extensively about the impact of the court reorganization and the modernization of the technology services that have become available in the judicial system, and the impact these reforms have on access to justice and the quality of court customer service.

In addition, during the reporting period, the Project continued to support stakeholders in implementing the CRO Strategic Communication Plan. Open Justice produced and published two articles, two videos, and two interviews on various topics, such as court automation, judicial ethics and discipline, and judges' appointments.

During the monitoring conducted in Quarter 3, Open Justice reported that the Community Outreach Centers set up with the Project's support continued to provide informational assistance to court users, relying on the practices previously established with the Project's help.



*Figure 4 – Communication Outreach Centre
in the Comrat Court of Appeal*

Activities 1.1.2.1–1.1.2.4 and Activities 1.1.3.2–1.1.3.3 (Year 2 Work Plan) under sub-Objective 1.1 were fully completed in the previous period.

The Project's Year 3 Work Plan does not include activities related to sub-Objective 1.1.

SUB-OBJECTIVE 1.2: INTEGRATED CASE MANAGEMENT SYSTEM (ICMS) IS REDESIGNED, UPGRADED, IMPLEMENTED; IT IS SUSTAINABLE AND IS CAPABLE OF INTEGRATION WITH ALL RESPECTIVE E-GOVERNANCE SYSTEMS IN MOLDOVA AND COMPATIBLE WITH COURT REORGANIZATION AND OPTIMIZATION; ICMS BECOMES A STANDARD OF BEST COURT AUTOMATION PRACTICES IN THE REGION

During the reporting period, Open Justice conducted data migration and extended the ICMS piloting to six courts — the Balti Court of Appeal, the Balti, Drochia, Edineț, Soroca District Courts, and the Supreme Court (a total of 15 locations) — increasing the number of ICMS users by approximately 500 persons. An important part of preparing for the ICMS piloting was the delivery of trainings for users from the pilot courts. In April 2019, prior to the ICMS piloting in the Balti Appellate Court circuit, Open Justice trained 315 judges and court staff. In May 2019, prior to the ICMS piloting at the Supreme Court, Open Justice conducted a series of trainings for 110 Supreme Court users. Open Justice also continued the training sessions for judges and court staff from the Chisinau Court of Appeal circuit during June 2019. Due to the high number of court staff to be trained, Open Justice divided the trainees into three groups and held training sessions at the Chisinau Court of Appeal, the National Institute of Justice, and Moldova State University. During this quarter, Open Justice trained a total of 1,267 court users about the new ICMS functionalities to improve their ability to effectively apply the ICMS tools for automated case management.



Figure 5 – ICMS training at the Balti District Court

Open Justice also continued to support the piloting of the new ICMS in five courts from the Comrat and Cahul Appellate Courts' territorial jurisdictions (a total of 10 locations). Previously, the Project created and maintained an office-based call center to answer ICMS users' questions. Throughout April–June 2019, the Project's interns continued to help judges and court staff record and report bugs and other technical issues, which the Project's IT developer AlfaSoft fixed immediately. Open Justice also facilitated a series of trainings for 10 representatives of the Service for Information Technology and Cyber Security's (SITCS's) technical staff to offer user support for the new ICMS. Open Justice and the ICMS developer, Alfa Soft, presented the new ICMS functionalities and modules and explained how to manage incidents reported by court staff to the SITCS. The training ensured that SITCS staff will be able to respond to ICMS-related requests submitted by court staff and adjust the ICMS to adapt to new court procedural rules beyond the Project's life.

Based on the ACA/MOJ feedback received in early June 2019, the Project will finish programing the amended electronic reports for first-tier courts, the appellate courts, and the Supreme Court during the next quarter. In addition to adjusting ICMS functionalities based on stakeholders' feedback, the Project continued to adjust and verify the 130 templates of statistical reports currently integrated into the ICMS.

In May 2019, the Project offered support to the ACA/MOJ in obtaining authorization from the National Center for the Protection of Personal Data (NCPDP) to process personal data during the ICMS piloting in the Chisinau Court of Appeal and the Supreme Court. The ACA/MOJ also received

authorization for the ICMS's interoperability with other e-governance systems with the Project's support.

The Project continued to closely collaborate with stakeholders, and the ICMS Working Group in particular, for the piloting of the new ICMS. On June 18, 2019, the Project took part in an ICMS Working Group meeting convened by the ACA/MOJ. The meeting provided an opportunity to discuss the results of the piloting process in district and appellate courts in the south and north of the country, as well as in the Supreme Court. The members of the ICMS Working Group also decided on issues pertaining to case distribution at the Supreme Court and the preparations and trainings for the ICMS piloting in the Chisinau Court of Appeal's territorial jurisdiction.

During this quarter, Open Justice also closely collaborated with Alfa Soft to update the ICMS maintenance plan and troubleshooting resources based on issues identified throughout the piloting process. Open Justice submitted the final version of the plan to the ACA/MOJ and SITCS in order to ensure proper maintenance of the ICMS beyond the Project's implementation.

Significant efforts were made by Open Justice during the reporting period to inform the public about available court e-services. In particular, Open Justice published and promoted the previously developed animated video spot on the benefits of the new ICMS on 38 online communities' websites and/or social media pages. In total, the video was viewed 791 times on the Project's pages and hundreds of times on other partner platforms. At the end of April 2019, in partnership with SITCS, the ACA/MOJ approved the broadcast of the video on courthouses' screens that are installed in the courts' halls.

As of April 1, 2019, in collaboration with the ACA/MOJ, the Project launched the E-File Module at the Cahul District Court and the Cahul Court of Appeal. The Project offered support to the 20 attorneys involved in the piloting process. Open Justice also incorporated the feedback received from the attorneys and the ACA/MOJ and made some of the E-File Module functionalities compatible with the new ICMS Supreme Court Module and the Administrative Code that entered into force on June 1, 2019. Between April 1 and June 30, 2019, the attorneys successfully submitted 36 claims using the E-File Module, including through the mobile version of the system. During the next quarter, the Project will continue to support the implementation of the E-File Module across the entire country.

At the same time, Open Justice delivered 3,718 posters, flyers, and calendars with information about the benefits and functionalities of the E-File Module of the ICMS to every court location in Moldova. These outreach materials, presented in both Romanian and Russian, will help raise the public's awareness of the newly developed service and its functionalities.

During the next reporting period, the Project will focus its efforts on the last phase of ICMS piloting in the Chisinau Court of Appeal and eight district courts (a total of 20 locations), and on supporting approximately 800 users from these courts. The Project's ICMS user call center will continue to function until the end of the Project implementation to ensure that all errors can be reported and quickly corrected. The assistance provided by Open Justice during the next reporting period will be focused on ensuring that the Government of Moldova can take full authority and responsibility for properly operating, maintaining, and sustaining the new ICMS beyond the Project's lifetime.

Activities 1.2.1.1–1.2.1.3, Activity 1.2.3.7, Activity 1.2.4.2, Activity 1.2.4.4, and Activity 1.2.5.1 (Year 2 Work Plan) under sub-Objective 1.2 were fully completed during the previous reporting period.

The following activities under the Sub-Objective 1.2 are ongoing: Activities 1.2.1.1–1.2.1.2, Activities 1.2.2.1–1.2.2.6, Activities 1.2.3.1–1.2.3.2, and Activity 1.2.4.1 (Year 3 Work Plan).

SUB-OBJECTIVE 1.3: STREAMLINE CASE FLOW AND OPTIMIZE COURT ADMINISTRATION AND MANAGEMENT BASED ON THE DATA FROM THE UPGRADED ICMS

During the previous reporting period, the Project worked with the SCM and the ACA/MOJ to refine the existing manual statistical reports so they could be further embedded into the new ICMS to facilitate the transition toward paperless statistical reporting. Throughout April–June 2019, Open Justice continued to assist the stakeholders in implementing and using the electronic statistical data stored in the upgraded ICMS. In early April 2019, the Project sent several suggestions for draft amendments to the SCM's Instruction on Electronic Statistical Reporting. The ACA/MOJ provided the SCM with the full list of updated reports to be integrated into the Instruction. The SCM is expected to adopt the amendments during the next reporting period.

At the same time, the Project worked to enhance stakeholders' ability to work with the ICMS-generated statistical data. On April 10–12, 2019, in cooperation with the National Institute of Justice, Open Justice held two training sessions for Moldovan judges, court chairpersons, chiefs of the secretariat, and other court staff, a total of 39 persons, on the ICMS's reporting tools and analysis of judicial statistics data. The courses improved the ability of court chairpersons to monitor court performance and enhanced the skills of the court staff to effectively apply ICMS tools for the automated processing of judicial information.

Open Justice also continued to assist the SCM and the ACA/MOJ in monitoring and following up on alleged manipulations in the ICMS random case distribution process. During the reporting period, the Project developed two monitoring reports, which were submitted to the ACA/MOJ and SCM. On April 24, 2019, Open Justice trained five judicial inspectors from the SCM on the use of the ICMS and its statistical reporting. The training focused on the use of the ICMS for monitoring court performance, detecting and reporting ICMS manipulations, and compiling data for the monthly random case assignment reports that are published online. This will enable the inspectors to constantly monitor how courts use the ICMS, to inform the public about it, and to follow up on alleged ICMS manipulations. During the next reporting period, at the SCM's request, Open Justice will conduct a follow-up training for the two additional judicial inspectors who were selected in late April 2019. One of the new inspectors will be responsible for the monitoring of the random case assignment process, and Open Justice will conduct an in-depth training for that inspector to ensure the transfer of monitoring tasks from the Project to the SCM and ACA/MOJ. This change in the number of judicial inspectors came about when the Parliament approved the amendments in September 2018 to the Law No. 947 on the SCM from July 19, 1996, which increased the number of judicial inspectors from five to seven.

In order to consolidate the SITCS's capacity to monitor suspicious activities in the ICMS database, during the previous reporting period, Open Justice purchased and installed software that monitors and reports on manipulations of the ICMS database at the central level. This software solution can perform real-time analysis of business and system events generated by the new ICMS. During the reporting period, the Project continued to offer assistance on the use of this monitoring solution upon request. During the next quarter, the Project will further oversee how the ACA/MOJ and the SITCS put in place security policies that are required for the use of the software.

Activity 1.3.1.4 (Year 3 Work Plan) under sub-Objective 1.3 was fully completed during the previous reporting period.

Activity 1.3.1.1 and Activity 1.3.1.3 (Year 3 Working Plan) under the Sub-Objective 1.3 are ongoing.

SUB-OBJECTIVE 1.4: ICMS IS CAPABLE OF EVENTUAL FUNCTIONAL INTEGRATION WITH ALL RELEVANT SYSTEMS OF THE STATE AGENCIES (THE CIVIL REGISTRY, PROSECUTOR GENERAL'S OFFICE, POLICE, PRISONS, FORENSICS BUREAU, CADASTER SYSTEM, ETC.)

An important Project activity under Sub-Objective 1.4 is to offer support to local stakeholders to ensure the functional integration of the ICMS with other systems. To assess the necessary preconditions for ICMS connectivity, and to support the stakeholders in determining the regulatory and technical requirements for functional integration with the ICMS, the Project contracted an international expert to conduct an Interoperability Assessment. The expert's mission consisted of two visits to Chisinau in May and June 2019. During these visits, he met with representatives from the Probation Office, the General Prosecutor's Office, the Ministry of Internal Affairs, the E-Governance Agency, and the MOJ. The goal of the visit was to familiarize the expert with the legal framework of the interoperability processes for the state-owned IT systems, gather data about the technical preparedness of the existing IT systems in the justice sector to be interconnected with the ICMS, and provide recommendations for developing interoperability beyond the Project's end in September 2019. The assessment will be finalized during the next reporting period.

A significant achievement during the reporting period was the development and implementation of a new ICMS functionality that allows court staff to send court decisions and additional documents directly from the ICMS to probation officers' email addresses. The functionality addresses one of the most pressing issues the Probation Office is currently facing — delayed receipt of court decisions for enforcement. Further integration with the Probation Office will take place based on the recommendations of the Interoperability Assessment, mentioned above.

The digitization of the Chisinau District Court archive was completed during Quarter 2 of this year. During this reporting period, Open Justice worked with the digitizing company Andmevara to ensure the ICMS's technical capability to integrate the digitized decisions of the Chisinau District Court. Based on the SCM's and ACA/MOJ's decision, the archive is currently available online only for the staff of the Chisinau Court. The Project will also work with the SCM to ensure that the archive is transferred from the computer located at the Chisinau Court onto a dedicated server, which will be purchased by the SCM as soon as funds become available.

On April 8, 2019, Open Justice discussed the access rights and technical issues related to the Archive Information System developed by Andmevara for accessing the digital archive of the Chisinau Court with representatives of the company. Further, Open Justice tested the developed Archive Information System and reviewed the user's guide, the administrator's guide, and other technical documentation received from Andmevara on the developed system. On April 20, 2019,

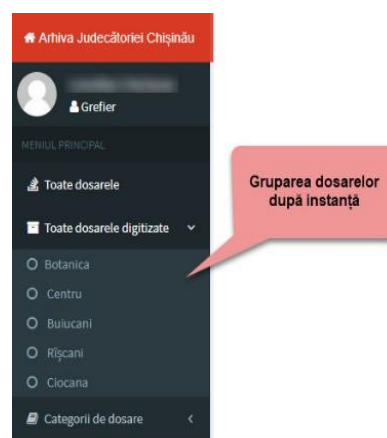


Figure 6 – Screenshot from the Archive Information System

Andmevara SRL entered into the warranty phase, which ends on April 20, 2020. During the warranty and maintenance phase, once the new server is available, the technical experts of Andmevara SRL will configure the server, re-deploy the Archive Information System, and migrate all files and metadata.

Activities 1.4.1.1–1.4.1.2 (Year 2 Work Plan) under sub-Objective 1.4 were fully completed during the previous reporting period.

Activity 1.4.1.1 (Year 3 Work Plan) under sub-Objective 1.4 is ongoing.

OBJECTIVE 2: INCREASED TRANSPARENCY AND ACCOUNTABILITY OF THE JUSTICE SYSTEM

SUB-OBJECTIVE 2.1: PERFORMANCE MANAGEMENT STANDARDS APPLIED BASED ON THE MANAGEMENT DATA GENERATED BY THE ICMS

During the reporting period, Open Justice continued to provide skills development training programs to court presidents, deputy court presidents, chiefs of secretariats, and court clerks on the upgraded Court Performance Dashboard. The Court Performance Dashboard displays information about key court performance indicators — such as case clearance rate, age of pending cases, time to disposition, etc. — in real time for every Moldovan court. The indicators provide crucial data that will inform the courts about existing imbalances between the demand for court services and the capacity of courts to meet this demand, and this data will guide their interventions to improve court performance. In early April 2019, in cooperation with the National Institute of Justice, the Objective 1 Project staff delivered two trainings to explain the importance of measuring the quality of court services with performance indicators, and to instruct users on the different functionalities of the Court Performance Dashboard in the ICMS. The trainings were attended by a total of 39 participants.



Figure 7 – ICMS Court Performance Dashboard training at the National Institute of Justice

The Project also contributed to building the SCM's capacity to implement court performance management standards. On April 24, 2019, Open Justice trained five judicial inspectors from the SCM and other SCM members on the use of the ICMS, the Court Performance Dashboard, and statistical reporting for analyzing and improving judicial activity.

During the previous quarter, to assist the SCM, the ACA/MOJ, and the courts in using and interpreting the real-time data generated by the Performance Dashboard, the Project developed the draft User Guide on the Court Performance Dashboard, which is part of the new ICMS. Throughout April–June 2019, as part of the ICMS piloting process, the draft Guide was made available to the Cahul District Court and Court of Appeal and the Balti Court of Appeal circuit. The Guide is accompanied by video tutorials and will be also used in training activities for the courts that will be held in the next reporting period.

Open Justice continued to support the process of optimizing public access to court performance data through the development of the Web Report Card — an updated, user-friendly online application where public users can see and assess real-time court data. During the reporting period, the Project's subcontractor, Alfa Soft, adjusted the Web Report Card to reflect the ACA/MOJ's feedback on the application's functionalities. The Project is awaiting the SCM's feedback in order to complete the development of the application and make court performance data available to the public once the ICMS is implemented in all courts. The upgraded Web Report Card will allow the legal community, social science researchers, corruption experts, journalists, and members of the public to obtain information and answers to common questions about the courts.

In completing the last phase of Open Justice's assistance for implementation of the International Framework for Court Excellence (IFCE) in the Appellate Courts, in June 2019, the Project met with the SCM leadership and underlined the importance of ensuring that all Moldovan courts apply a performance quality control system in order to maintain high standards and promote public trust in the judicial system.

Activities 2.1.3.1–2.1.3.4 (Year 2 Work Plan) under sub-Objective 2.1 were fully completed in previous reporting period.

The Project's Year 3 Work Plan does not include activities related to sub-Objective 2.1.

SUB-OBJECTIVE 2.2: INSTITUTIONALIZE OVERSIGHT OVER JUDICIAL PERFORMANCE

During the reporting period, Open Justice continued to support the SCM and the Judicial Inspection Board with implementing the recommendations made by Open Justice in the Efficiency Action Plans (EAPs) that the SCM vetted in February 2018. To promote further implementation of the EAPs' recommendations on improving the publicly available resources on judicial disciplinary proceedings, Open Justice met with the SCM and discussed the Frequently Asked Questions (FAQs) regarding the disciplinary liability of judges, developed by the Project's consultants. As a result of this meeting, the SCM published the FAQs on the SCM's website, under the menu dedicated to submitting notifications of acts that could constitute a judicial disciplinary offence (https://csm.md/files/files/intrebari_raspunsuri_proceduridisciplinare.pdf),

During the reporting period, the Project delivered an in-depth training for judicial inspectors from the SCM on the use of ICMS performance data reflecting court activity. Following the amendments introduced by the Parliament into the Law No. 947/1996 on the SCM, wherein the SCM added two positions for judicial inspectors to its staff, the SCM selected two new judicial inspectors in late April 2019. The capacity-building process for the judicial inspectors will continue upon the SCM's request.

At the same time, Open Justice continued to provide technical assistance to the SCM to improve the reasoning of its decisions pertaining to judges' careers by developing guidelines to be applied by the SCM. On April 3, 2019, Open Justice met with the representatives of the SCM and members of the SCM Secretariat to discuss the Guide for SCM Members on Preparing Well-Reasoned Decisions on the Selection of Judges that the Project developed and submitted previously. The Guide contains recommendations for the SCM on drafting clearly reasoned decisions that are based on legal principles and objective, merit-based criteria. According to the new legal provisions, which were approved by the Moldovan Parliament in 2018, the SCM will organize the next ordinary contest for

supplementing judicial vacancies in July 2019. Open Justice expects that the Guide will help the SCM to improve the transparency and overall quality of the judicial selection and promotion process.

An important activity under Objective 2 during this quarter was supporting the JEC's capacity building in order to establish itself as an advisory body that helps judges avoid unethical conduct. On April 4–5, 2019, Open Justice organized a two-day interactive training session (one workshop and one ToT) for 18 Moldovan judges and JEC representatives. The Project's short term technical adviser (STTA), Judge John Fields, led the training. The participants discussed the consequences of unethical behavior, preventive measures, the JEC's role, and the role of the court presidents in promoting a sense of judicial obligation and duty, as well as the ethical training methodology.



Figure 8 – Judge John Fields discusses case scenarios on sensitive ethical issues with JEC workshop participants

In addition, the Project's international expert, Victoria Henley, developed three new draft models of *ex officio* opinions on topics related to: 1) *ex parte* communication of judges, 2) conflicts of interest and disqualification, and 3) judges and social media. Open Justice submitted these documents to the JEC in early May 2019 to help them improve Moldovan judges' ability to apply judicial ethics standards. On April 22, 2019, following a written request from a judge, the JEC issued an advisory opinion "on judges' impartiality," demonstrating the JEC's capacity to carry out its advisory function in the area of judicial ethics and also indicating the impact Open Justice has had on this newly established institution.

Ms. Henley also continued to assist the JEC's full functionality through the development of answers to the FAQs about expected judicial conduct. In particular, these FAQs tackle issues related to actual and potential conflict of interests, limitations in discharging judicial duties, allowed and prohibited activities, and interaction with the media. The FAQs about expected judicial conduct will be published on the SCM's website and made accessible to judges and the public. This document will serve to further improve the ethical and professional conduct of Moldovan judges. In June 2019, Open Justice participated in a meeting with the SCM's members and discussed the JEC's ownership of the practical products and instruments developed by the Project and the necessity of ensuring consistency in the JEC's future activity.

Activity 2.2.2.1 (Year 2 Work Plan) under sub-Objective 2.2 was completed in previous period.

The Project's Year 3 Work Plan only includes activities related to the ICMS's development and deployment. Consequently, the Year 3 Work Plan does not include activities related to sub-Objective 2.2.

SUB-OBJECTIVE 2.3: PUBLIC ACCESS TO JUSTICE SECTOR INFORMATION

As a part of Open Justice's assistance to pilot the new ICMS, during this quarter, the Project launched five upgraded court webpages — at the Balti Court of Appeal and the Balti, Drochia, Edinet, and Soroca District Courts. These were made accessible to the general public on the Courts' Web Portal. This means that court decisions, rulings, and hearings are available to the public through the courts' upgraded webpages. The user-friendly design and the new functionalities allow the courts to exchange

data with the new ICMS in a faster and more secure way. Previously, Open Justice also supported the launch of upgraded webpages within the circuits of the Comrat and Cahul Courts of Appeal.

Open Justice finalized work on the brochure and one-page flyer on the results of the public perception survey conducted in October–November 2018. The qualitative, quantitative, and comparative reports, together with the brochure and one-page flyer, were presented to the SCM. Open Justice printed and delivered 40 brochures and 40 one-page flyers in Romanian, with the results of the 2017 and 2018 surveys, to the SCM. The 2018 public perception survey revealed a slight increase (3% among the general population and 8% among litigants) of the public's trust in the judiciary compared to the results of the survey conducted in the fall of 2017.

On March 22, 2019, Andmevara finalized the digitization of the Chisinau District Court's archive. According to the Informative Note prepared by Andmevara, the total number of digitized court decisions and rulings is 740,824, for a total of 2,278,197 pages. During this quarter, Open Justice met with Andmevara representatives to discuss the Archive Information System developed to ensure access to the digital archive of the Chisinau District Court. During the meeting, the Andmevara team presented the system's features, user roles, user groups, access rights and permissions, and the developed technical documentation. After providing training to users of the Archive Information System, Andmevara entered into the warranty phase, which will end on April 20th, 2020.

In a follow-up to the gender training held on October 30–November 2, 2018 for court staff, Open Justice developed a Guide on Customer Service for the Courts. The Guide is directed toward court staff whose responsibilities include frequent interactions with court users. In May 2019, in partnership with the SCM Secretariat, Open Justice distributed the published Guide among all courts in Moldova to help them improve internal procedures and staff conduct in relations with court users.

Activity 2.3.1.3, Activities 2.3.1.4–2.3.1.5, and Activity 2.3.1.6 (Year 2 Work Plan) under sub-Objective 2.3 were completed in the previous reporting period.

Activities 2.3.1.1–2.3.1.3 under Sub-Objective 2.3 (Year 3 Work Plan) are ongoing.

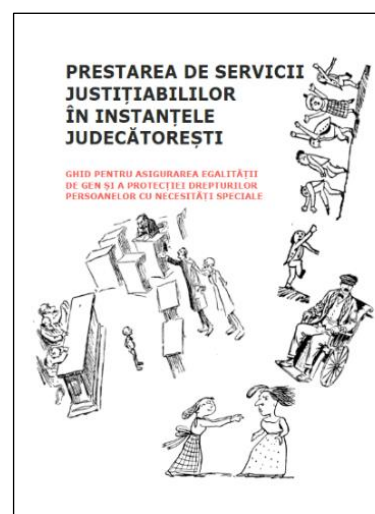


Figure 9 – Cover of the Guide on Customer Service for the Courts

SECTION II – REPORTS AND DELIVERABLES

OBJECTIVE 1: INCREASED EFFICIENCY OF THE JUSTICE SYSTEM

- Synopsis of the Report on Archive Information System Development (Activity 2.3.1.5 – Year 2 Work Plan)
- Report on ICMS Piloting Phase 4.1 – Cahul, Comrat, and Balti Appellate Courts' Circuit (Activity 1.2.3.5 – Year 2 Work Plan & Activity 1.2.2.5 – Year 3 Work Plan)
- Report on Pre-deployment ICMS Training Activities Organized during April–June 2019 (Activity 1.2.4.1 – Year 2 Work Plan & Activity 1.2.3.1 – Year 3 Work Plan)
- Report on Automatic Random Distribution of Cases in Moldovan Courts during April 2019 (Activity 1.3.1.3 – Year 2 Work Plan)
- Report on Automatic Random Distribution of Cases in Moldovan Courts during May 2019 (Activity 1.3.1.3 – Year 2 Work Plan)

OBJECTIVE 2: INCREASED TRANSPARENCY AND ACCOUNTABILITY IN THE JUSTICE SYSTEM

- Report on the TOT Training and Workshop for JEC Members on the Moldovan Code of Professional Ethics and Conduct by Judges (Activity 2.2.3.1 – Year 2 Work Plan)
- FAQs for Judges on Common Ethics Dilemmas (Activity 2.2.3.3 – Year 2 Work Plan)

SECTION III – MAJOR ACTIVITIES PLANNED FOR NEXT QUARTER

OBJECTIVE 1: INCREASED EFFICIENCY OF THE JUSTICE SYSTEM

- Conduct the final data migration from CMS into the ICMS at the Chisinau Court of Appeal and the Chisinau, Criuleni, Hincesti, Orhei, Straseneni, Anenii-Noi, Causeni, and Ungheni District Courts (Activity 1.2.2.4 – Year 3 Work Plan)
- Complete the training of judges and court staff from the Chisinau Court of Appeal and the Chisinau, Criuleni, Hincesti, Orhei, Straseneni, Anenii-Noi, Causeni, and Ungheni District Courts on the use and administration of the newly developed ICMS (Activity 1.2.3.1 – Year 3 Work Plan)
- Pilot the ICMS in the Chisinau Court of Appeal and the Chisinau, Criuleni, Hincesti, Orhei, Straseneni, Anenii-Noi, Causeni, and Ungheni District Courts (Activity 1.2.2.5 – Year 3 Work Plan)
- Complete the development of statistical reports to be incorporated into the ICMS Electronic Judicial Statistics Module (EJS) (Activity 1.2.2.1 – Year 3 Work Plan)
- Complete the Interoperability Assessment on the ICMS and other e-Gov systems (Activity 1.4.1.1 – Year 3 Work Plan)
- Develop the Analytical Report explaining the benefits and impact of the new ICMS for the public and the judiciary (Activity 1.2.3.2 – Year 3 Work Plan)

OBJECTIVE 2: INCREASED TRANSPARENCY AND ACCOUNTABILITY IN THE JUSTICE SYSTEM

- Complete the implementation of the new court websites on the upgraded Courts' Web Portal, including adaptive technologies for the disabled (Activity 2.3.1.1 – Year 3 Work Plan)
- Conduct outreach activities to raise awareness about the upgraded Courts' Web Portal (Activity 2.3.1.2 – Year 3 Work Plan)

SECTION IV – PERFORMANCE MANAGEMENT

This section provides an overview of the progress towards achieving planned Project activities during the third quarter of fiscal year 2019.

During the reporting quarter, Open Justice made significant progress toward achieving all of its planned targets. Open Justice has completed some activities ahead of the established timelines and has also surpassed the established performance targets.

The most significant achievements of the quarter were the successful piloting of the ICMS in the Supreme Court and five courts situated in northern Moldova, and the piloting of the E-File Module in two courts in Cahul. During the quarter, the Project also prepared the logistics for piloting the ICMS in nine additional courts (a total of 21 locations) situated in the Chisinau Appellate Court's territorial jurisdiction, which will start on July 8, 2019. The Project also launched five upgraded websites — for the Balti Court of Appeal and the Balti, Drochia, Edinet, and Soroca District Courts — that were made accessible to the general public on the Courts' Web Portal. The upgraded Courts' Web Portal will be useful to citizens and the media seeking information about the courts, and they also contain functionalities that make them accessible for visually and hearing-impaired users.

In order to assess the preconditions for ensuring the ICMS's inter-connectivity with other governmental IT systems in the justice sector, the Project contracted an international expert to develop an Interoperability Assessment — which will describe the technical preparedness of the current state-owned IT systems in the justice sector to be connected with the ICMS and provide recommendations for necessary next steps that the Government must carry out in this regard. The Assessment will be finalized during the next reporting period.

The Project significantly exceeded the number of approved and implemented amendments, regulations, court rules, and instructions that were developed with Open Justice's support. The Project had a Year 2 (ending May 14, 2019) target of 12 normative acts and an End-of-Program target of 37 normative acts. By May 14, 2019, the total number of approved and implemented normative acts had already reached 37. Out of the total 37 normative acts, 15 normative acts were approved with the Open Justice Project's support during Quarter 3 of fiscal year 2019 (see the Report on the Project MELP for details in Annex I to this Report).

By June 30, 2019, Open Justice had trained 3,684 justice sector personnel, thus exceeding the mid-May 2019 target by 2,184 people. Out of the 3,684 justice sector personnel trained, 1,300 persons were trained during Quarter 3 of fiscal year 2019. The conducted trainings were for SCM members and judicial inspectors, judges, court staff, lawyers, and ACA/MOJ representatives on the new ICMS, the E-File Module, the use of judicial statistics and performance indicators, and judicial ethics.

During the reporting period, Open Justice also developed three new draft models of the JEC's *ex officio* opinions on topics related to *ex parte* communication of judges, conflicts of interest and disqualification, and judges and social media, as well as FAQs covering expected judicial conduct related to actual and potential conflicts of interest, limitations in discharging judicial duties, allowed and prohibited activities, and interaction with the media. Open Justice submitted these documents to the JEC in early May 2019 to improve the abilities of the Moldovan judges to apply judicial ethics standards.

During Quarter 3, Open Justice informed a total of 8,638 persons about various topics relevant to the Project's main areas of activity and cross-cutting issues (6,332 persons via the thematic website <http://www.justitietransparenta.md/> and 2,306 persons via social media channels). The Project also delivered 3,718 printed materials across all court locations (main and secondary premises), such as brochures, posters, and flyers about the ICMS, the E-File Module, and court users' rights. These outreach materials, presented in Romanian and Russian, will help raise the public's awareness of the benefits of the ICMS, especially in remote locations.

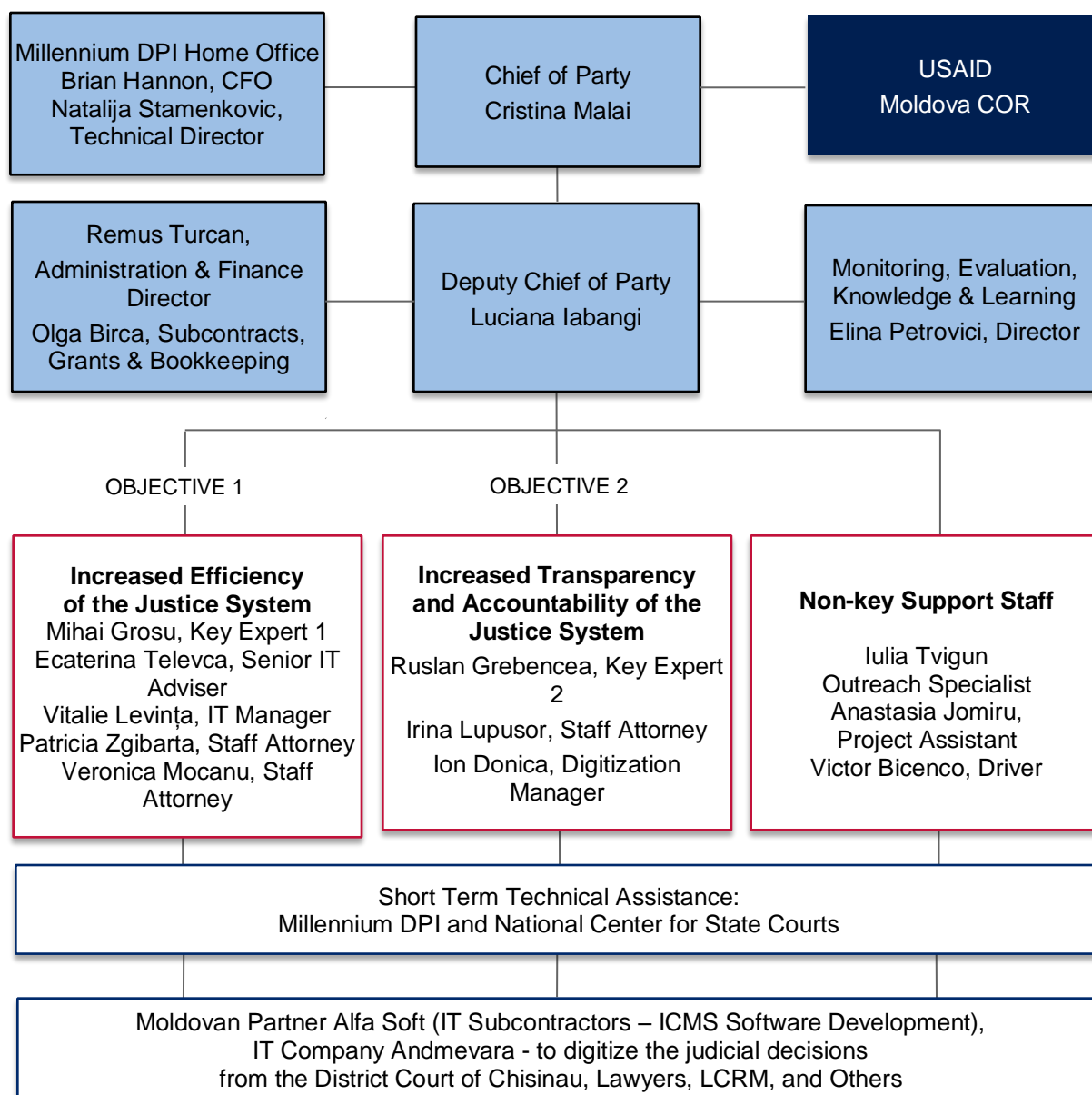
The Project informed a total of 41,923 persons — significantly surpassing the established Year 2 target of 5,000 persons, as the Project is very active on its social media pages and its thematic justice website, and in distributing public outreach materials.

In conclusion, the Project had significant and impactful accomplishments during the reporting period, was on schedule, and in some instances delivered well ahead of schedule.

SECTION V – ADMINISTRATION AND PROJECT MANAGEMENT

On February 27, 2019, USAID approved the extension of the Project's timeframe from the original completion date of May 14, 2019 until September 30, 2019. The extension was awarded to finalize the implementation of the new ICMS in all Moldovan courts (Objective 1 activities) and was not intended to cover Objective 2 activities. Thus, Objective 2 staff members Ruslan Grebencea and Irina Lupusor left the Project on May 15, 2019, when their employment contracts expired. The Project also did not extend the contract with Ion Donica, Digitization Manager, since the digitization process finished in May 2019. Anastasia Jomiru, Project Assistant, left the Project on May 15th, as she had another employment offer. Her duties will be split among several remaining staff members (Victor Bicenno, the Project's Driver; Olga Birca, Subcontracts, Grants, and Bookkeeping; and Iulia Tvigun, Outreach Specialist) during May–September 2019. During the reporting quarter, Open Justice did not request USAID's approval for the hiring or promotion of any personnel. The diagram on the following page depicts the composition of the Project's team until May 14, 2019, as they contributed to completing some of the Project's activities during the reporting period.

During this quarter, Open Justice updated, to the extent appropriate, the Demobilization Plan submitted on January 14, 2019 and resubmitted the document to USAID for approval.



ANNEX I. REPORT ON THE MONITORING, EVALUATION, AND LEARNING PLAN



USAID
FROM THE AMERICAN PEOPLE

REPORT ON THE PROJECT MONITORING, EVALUATION, AND LEARNING PLAN

FOR THE PERIOD OF
April 1, 2019 – June 30, 2019

USAID'S OPEN JUSTICE PROJECT
IN MOLDOVA

July 30, 2019

DISCLAIMER

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REPORT ON THE PROJECT MONITORING, EVALUATION, AND LEARNING PLAN

FOR THE PERIOD OF
APRIL 1, 2019 – JUNE 30, 2019

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

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Submitted on July 30, 2019

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LIST OF ACRONYMS

ACA	Agency for Court Administration
ATRECO	EU Project on Increased Efficiency, Accountability and Transparency of Courts in Moldova
CEPEJ	European Commission for the Efficiency of Justice
CMS	Case Management System (courts)
CRO	Court Reorganization and Optimization
EJSM	Electronic Judicial Statistics Module
EU	European Union
ICMS	Integrated Case Management System (justice sector-wide)
IFCE	International Framework for Court Excellence
JEC	Judicial Ethics Commission
JIB	Judicial Inspection Board
JIS	Judicial Information System
JPI	Judicial Performance Indicator
MELP	Monitoring, Evaluation, and Learning Plan
MOJ	Ministry of Justice
NCPPD	National Center for Protection of Personal Data
NGO	Non-Governmental Organization
NIJ	National Institute of Justice
NPA	National Penitentiary Administration
PGO	Prosecutor General's Office
ROLISP	USAID's Rule of Law Institutional Strengthening Program
SCM	Superior Council of Magistracy
SITCS	Service for Information Technology and Cyber Security (formerly CTS)
USAID	United States Agency for International Development
WJP	World Justice Project Rule of Law Index

I. PROGRESS AGAINST PROJECT INDICATORS

A. EXECUTIVE SUMMARY

The United States Agency for International Development (USAID) approved the Open Justice Project's Monitoring, Evaluation, and Learning Plan (MELP) on September 6, 2017. The Project's MELP performance indicators measure the progress made towards enhancing the institutional capacity, transparency, and accountability of the Moldovan justice sector institutions as a result of the Project's assistance and contribution during the Project's lifetime, which started on May 15, 2017 and will finish on September 30, 2019.¹

It should be mentioned that the Project's original lifetime was planned for two years, starting on May 15, 2017 and finishing on May 14, 2019. In February 2019, at the request of the Ministry of Justice (MOJ) and the Superior Council of Magistracy (SCM), USAID agreed to extend the Project's implementation period by four and a half months, until September 30, 2019.

According to Section F.3, Subsection Reporting Requirements/D. Performance Reporting/I. Quarterly Reports of the USAID Open Justice Task Order, quarterly reports must compare the Program's performance and results to the MELP. Thus, this MELP Report describes the progress that Open Justice made against its approved MELP indicators during Quarter 3 of fiscal year 2019 (April 1, 2019–June 30, 2019).

This report also presents the Project's performance results for all 24 months of Year 1 and Year 2 of the Project's life, and 1.5 months of Year 3 of the Project's life, which will end on September 30, 2019.

Overall, the Project tracks 17 performance indicators, one of which is set as an overarching Project Goal indicator. The other 16 indicators are grouped according to the Project's objectives and the expected results set forth in Contract AID-117-TO-17-00001. There are six performance indicators for Objective 1, Increased Efficiency of the Justice System, and 10 performance indicators for Objective 2, Increased Transparency and Accountability of the Justice System.

By June 30, 2019, 10 indicators' targets had already been reached, and some even had significantly exceeded their planned targets for Project Year 2 and even Project Year 3. Of these 10 indicators, four are Objective 1 indicators and the other six are Objective 2 indicators, as detailed below:

- Indicator 1.1.1, “*Number of approved and implemented amendments, regulations, court rules, and instructions developed with Open Justice Project support,*” has a Year 2 target of 12 normative acts and an end-of-program target of 37 normative acts. By May 14, 2019, the total number of approved and implemented normative acts had already reached 37. Out of the total 37 normative acts, 15 normative acts were approved with the Open Justice Project's support during Quarter 3 of fiscal year 2019.

¹ On February 27, 2019, the USAID Contracting Officer signed the Modification extending the completion date of the Open Justice Project from May 14, 2019 to September 30, 2019.

- Indicator 1.2.2, “*Number of justice sector personnel who received training with Open Justice Project support*,” has a Year 2 target of 1,500 trained justice sector personnel. By June 30, 2019, Open Justice had trained 3,684 justice sector personnel, and of those, 2,809 persons were trained during Year 1 and Year 2, which exceeded the Year 2 target by 1,309 persons. The actual value of this indicator also exceeds the Year 3 target by 384 persons.

The indicator's actual value is due to the high number of trainings that the Project conducted for judges, court staff, lawyers, and the Agency for Court Administration (ACA)/MOJ representatives on the use of the upgraded Case Management System (CMS), the new Integrated Case Management System (ICMS), the E-File Module, the use of the new videoconferencing equipment, personal data protection, the International Framework for Court Excellence (IFCE), judicial ethics, gender equality in the judiciary, and judicial selection, evaluation, and discipline procedures. During July 2019, Open Justice will continue to train judges and court staff on the proper use of the new functionalities of the overarching ICMS in the Chisinau Appellate Court circuit.

- Indicator 1.3.1, “*Percentage decrease in alleged manipulations of the random case assignment module*,” has five sub-indicators, four of which exceeded their established Year 2 targets. These are the “*Ratio of judges blocked for a period to the total number of judges*,” “*Number of cases/actions of using the option ‘incompatible judge’*,” “*Number of times judges saved in the system as ‘incompatible’*,” and “*Number of actions saved in the system as ‘changing the judge’s role’*.” According to the May 2019 random case assignment monthly report, the only sub-indicator that increased significantly, to 423%, compared to the Year 2 and Year 3 target of less than 90%, was the “*Number of cases/actions saved as ‘examined by the same judge/panel’*.”

The significant increase in the sub-indicator value “*examined by the same judge/panel*” is due to a legislative development that affected the Chisinau District Court. According to the May 2019 random distribution report, 91% of actions “*examined by the same judge/panel*” were undertaken in the Chisinau District Court. The increase occurred in the registration of cases examined by specialized judges who authorize various investigative activities and measures. As of December 18, 2018, the SCM amended the Regulation on Random Case Assignment. The amendment establishes that certain requests for the authorization of investigative measures, which are registered as separate cases in CMS but belong to the same criminal prosecution file, must be examined by the same investigative judge. As a result, given that there are no other technical capabilities in the current CMS version 4.1.4 to ensure that such cases are distributed to the same judge, court staff resorted to the use of the “*examined by the same judge/panel*” action. The new ICMS version allows such cases to be distributed to the same investigative judge without using the option “*examined by the same judge/panel*,” so the value of this indicator should decline in the future.

During Quarter 3 of fiscal year 2019, Open Justice built the capacity of the judicial inspectors from the Judicial Inspection Board (JIB) and gradually transferred responsibility for monitoring the ICMS random case distribution to them. During the next quarter, the Project will launch the final phase of ICMS piloting in the Chisinau Appellate Court jurisdiction, and court staff will be trained to reduce human errors and inappropriate interventions in the random case assignment module.

- Indicator 1.4.2, “*Number of e-governance systems/services integrated with overarching ICMS*,” exceeded the Year 2 target with regard to the number of services that have to be connected

to the new ICMS. Thus, while the Year 2 target was set at a maximum of three e-governance systems/services integrated with the new ICMS, the Project has already connected eight systems/services to the new ICMS, namely: the MConnect platform, MPay, MPass, MSign, MLog, MNotify, the Registers of Population, and Legal Entities services.

The value of this indicator will not change during the Project's extension period, as Open Justice had already connected all relevant e-services and systems to the new ICMS.

- Indicator 2.3.2, "Number of citizens reached by public outreach campaigns," has a Year 2 target of 5,000 citizens. As of June 30, 2019, Open Justice had reached 41,923 persons, thus exceeding the established Year 2 target by 36,923 persons and the end-of-project target by 10,923 persons. This achievement is a result of the Project's extensive outreach efforts. It also indicates the strong public interest in the Project's activities. These outreach efforts included recently published and distributed outreach materials targeting court users and vulnerable groups, a Project-developed video spot on the benefits and uses of the ICMS, and frequent updates on the Project's Facebook page and thematic justice website, www.justitiatransparenta.md.
- Indicator 2.3.3, "Increase in number of positive or neutral media reports, reflecting MOJ/ACA and SCM activity," significantly exceeded the planned Year 2 target of a more than 20% increase, reaching an actual increase of 538%. This dramatic increase was a direct result of the high interest in subjects related to the judiciary and anticorruption and the numerous interventions made by Open Justice to inform the public and media representatives about the existing CMS, the new ICMS, and other topics of major importance related to the courts and the rights of court users. During Quarter 3 of fiscal year 2019, the media published numerous articles covering various aspects of judicial reform and court automation, such as the ICMS, the court reorganization, the reasoning of court rulings, and reforms to be implemented in the judiciary under the new government. Efforts to reach the public and the media were made through social media and the use of the thematic justice website, www.justitiatransparenta.md.

The Year 3 Work Plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's Year 3.

- Indicator 2.3.4, "Proportion of SCM sessions archived out of the total sessions live streamed," reached its Year 1 target of 100% by May 15, 2018. With the Project's assistance, the SCM created a public archive of its live-streamed meetings on the SCM website, thereby increasing the level of transparency of its activity for the mass media and the public. During fiscal year 2018 and Quarters 1–3 of fiscal year 2019, a total of 44 SCM sessions were archived on the upgraded SCM website. Of those, six sessions were broadcast during Quarter 3 of fiscal year 2019 (<http://csm.md/files/wArhivaSedintelor/arhivacsm.html>).

The Year 3 Work Plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's Year 3.

- Indicator 2.3.5, "Number of pilot courts using audio and video equipment to accommodate court users who are unable to attend a court hearing or sessions," has a Year 2 target of two pilot courts. During Quarter 3 of fiscal year 2019, a total of five courts (the Chisinau and Comrat Courts of Appeal and the Orhei, Cahul, and Edinet District Courts) used the teleconferencing system to organize a total of 438 hearings for the remote trial participation of inmates.

After an evaluation of the initial piloting and the very positive results, the ACA/MOJ and the SCM developed a draft Regulation on the use of teleconferencing in penitentiaries and courts (http://www.justice.gov.md/public/files/publication/Regulament_teleconferinta.pdf) in order to expand the use of the videoconferencing equipment in courts and penitentiaries across the country. The draft Regulation includes provisions related to the management and use of the system, technical rules for conducting the remote trial participation of inmates, and statistical evidence of remote court sessions, under Articles 469, 473¹ and 473² of the Criminal Procedure Code. However, the optimization of the penitentiary institutions' interaction with the courts depends on proactive partnerships between the SCM, the National Penitentiary Administration (NPA), and the ACA/MOJ, and the identification of additional funds to equip at least six additional district courts with videoconferencing systems. In addition, penitentiary personnel and court staff must be trained to use the system.

The partial Year 3 will include only activities related to the ICMS development and deployment. Consequently, Open Justice will not implement any activities related to this indicator in Year 3.

- Indicator 2.3.6, “Number of court decisions and rulings of the Chisinau District Court for the years 1973–2009 digitized and searchable online,” reached 740,824 digitized court decisions and rulings by March 31, 2019. Thus, Andmevara, a local firm under subcontract with Millennium DPI, completed the final milestone of digitizing the full archive, amounting to 2,278,197 pages.

During Quarter 2 of fiscal year 2019, the SCM confirmed its intention to purchase a server for the Digitized Archive of the Chisinau District Court during calendar year 2019. To ensure the connection between the digitized archive and the ICMS, Open Justice is temporarily hosting the archive on a computer at the Chisinau District Court until the archive can be transferred onto a dedicated SCM server. During Quarter 3 of fiscal year 2019, Andmevara worked on the integration of the archive with the ICMS (via web services). Andmevara also developed and tested a new application — the Archive Information System — that enables the staff from the Chisinau District Court to browse, search, retrieve, and view the digitized content by keywords and various filters. On April 20, 2019, Andmevara SRL entered into the warranty phase, which will conclude on April 20, 2020.

The Year 3 Work Plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's Year 3.

- Indicator 2.4.1, “Proportion of female panel speakers and female general participants in Project program-assisted activities, initiatives, and events,” exceeded the Year 2 and Year 3 targets with regard to female general participants because of the numerous trainings involving female judicial specialists. Thus, while the Year 2 target is 55%, the Project reached 75% female general participants in the Project's program-assisted activities, initiatives, and public events by June 30, 2019. The actual value of this indicator for women general participants also exceeds the end-of-project target (65%) by 10%.

At the same time, the targets for the following four indicators are below the established Year 3 Project targets:

- Indicator 1.2.1, “Number of district courts utilizing overarching ICMS,” did not reach the set Year 2 target of 15 courts by May 14, 2019 because, at the ACA/MOJ's request, the ICMS piloting was delayed from mid-November 2018 (as initially scheduled) to mid-January 2019. This delay was caused by the growing complexity of the new ICMS software, numerous legal

requirements on personal data protection, the multiple technical requirements of Project counterparts, and the complex quality testing procedures of the new software. Given these circumstances, and following a request for more time from the MOJ and the SCM, in February 2019, USAID extended the Project's completion date from May 14, 2019 to September 30, 2019 to accomplish all planned activities related to the deployment and implementation of the ICMS. In addition, USAID approved the gradual implementation of the new ICMS in all Moldovan courts, namely 15 district courts, four appellate courts, and the Supreme Court of Justice and set the end-of-program target for this indicator at 20 courts. By June 30, 2019, Open Justice had implemented the new ICMS in 11 courts, namely the Comrat, Cimislia, Cahul, Balti, Drochia, Edinet, and Soroca District Courts, the Comrat, Cahul, and Balti Courts of Appeal, and the Supreme Court of Justice (a total of 25 locations). During the next quarter, Open Justice will launch the piloting of the new ICMS in the Chisinau Appellate Court circuit including nine courts (for a total of 20 locations).

- Indicator 1.4.1, "*Number of public-facing electronic applications that are incorporated into the MOJ's overarching ICMS,*" did not reach the Year 2 target because of the limited staff resources available within the SCM to carry out the testing process of the upgraded Web Report Card, which led to delays in the application's implementation. Thus, by the end of Quarter 3 of fiscal year 2019, Open Justice launched two public-facing applications — the Courts' Web Portal and the E-File Module. The fourth public-facing electronic application related to submission of online petitions to the SCM JIB, envisaged at the beginning of the Project when developing this indicator, has been accessible since October 2018 from the upgraded SCM website, rather than via the ICMS. During the reporting period, the Project's subcontractor, Alfa Soft, adjusted the Web Report Card to reflect the ACA/MOJ's feedback on the application's functionalities. The Project is currently awaiting the SCM's feedback, in order to complete the development of the application and make court performance data available to the public once the ICMS is implemented in all courts. The launch of the upgraded Web Report Card will take place during Quarter 4 of fiscal year 2019.
- Indicator 2.1.1, "*Ratio of judicial cases backlogged to the total number of pending cases,*" shows that the backlog is 6.3% compared to the established baseline of 3.7% and the Year 2 target of less than 2%. Backlog has increased as a result of the disruption of court processes caused by the ongoing court reorganization and optimization (CRO) reform. For example, parties to a trial and lawyers sometimes fail to show up to hearings due to the long distances and costs involved in traveling to the newly reorganized and centralized courts, and many of the newly reorganized courts lack judges and staff, which also affects case management.

The Project's scope is too narrow and the duration too short to significantly influence a decrease in the ratio of judicial case backlogs to the total number of pending cases, especially in the context of the CRO reform. The Project, however, provided pilot courts with an upgraded Electronic Judicial Statistics Module (EJSM) and Performance Dashboard as part of the new ICMS that will automatically track and generate information and performance indicators about the duration of cases, which will lead to improved backlog reduction efforts. The Project also built the capacity of the MOJ and SCM to interpret data, enabling them to identify those courts where backlog is increasing and develop tools to address them.

- For objective reasons, Indicator 2.2.1, "*Percentage of performance management standards developed versus applied,*" is below the Year 2 target of 100% of Judicial Performance Indicators (JPIs) developed versus applied, because the courts will not begin applying and assessing their

performance against the 17 MELP performance indicators until: 1) the new ICMS has been piloted and implemented in all Moldovan courts, and 2) the court staff from all Moldovan courts have been trained to use the upgraded ICMS Performance Dashboard. As of June 30, 2019, the courts implementing the CMS version 4.1.4 are using 11 out of the 17 performance indicators that the SCM approved; eight indicators are incorporated in the electronic European Commission for the Efficiency of Justice (CEPEJ)-based Judicial Statistics Fiche that the Project developed, and three are incorporated in the CMS Judicial Performance Dashboard. By June 30, 2019, out of 20 Moldovan courts, 11 pilot courts started to use the new ICMS and the upgraded Performance Dashboard, and had begun introducing statistical data on their court's activity in the new software.

Due to the short time frame of the Project and hence its limited impact, as well as due to external factors beyond the Project's control, the Project's Goal Indicator and two Objective 2 indicators did not achieve their Project Year 2 targets. The actual value of these indicators will remain at the current level, as the Project's Year 3 Work Plan includes only activities related to the new ICMS development and testing in pilot courts.

- Goal Indicator, "Increase in the score for court management," has a Year 2 target of 0.35 points. The most recent World Justice Project (WJP) report was published during the last week of February 2019, and the updated country scores are available for comparison. Moldova's current WJP Index is 0.34 points, which is below the Year 2 target, established at 0.35 points.

It is expected that the next WJP report will be published in February 2020, which will occur after the Project is concluded. Therefore, the Project's MELP does not provide an end-of-program target for this indicator.

- Indicator 2.2.2, "Increase of reasoned, merit-based judicial appointments ensured by the SCM," currently indicates that by the end of Quarter 3 of fiscal year 2019, the percentage of reasoned, merit-based appointments had not changed its value of 18%, which was calculated at the end of Quarter 1 of fiscal year 2019, and which is 52% lower than the Year 2 target of at least 70%. This is due to the amendments to the regulations governing judicial selection and evaluation procedures promulgated in October 2018 and the new SCM Regulation pertaining to judicial appointments. These amendments were approved in accordance with the new legislation through Decision No. 612/29 of December 20, 2019, and authorized the SCM to organize a competitive application process for filling judicial vacancies twice a calendar year. On April 16, 2019, the SCM announced through its Decisions No. 156/8 and No. 157/8 of April 16, 2019 the first round of ordinary contests for supplementing judicial vacancies, both for judicial vacancies (45 positions) and for management positions in courts (8 positions). Candidates were invited to submit their applications by May 22, 2019. In August 2018, the Project contracted a local consultant who developed the Guide for SCM Members on Drafting Well-Reasoned Decisions on the Selection of Judges, based on the new regulatory framework pertaining to judicial appointments. In March 2019 and June 2019, Open Justice organized meetings with the consultant and the SCM leadership to finalize and present the draft Guide. The Project submitted the Guide to the SCM to advance a merit-based judicial selection system and improve the quality and transparency of the SCM's decisions.

The Year 3 Work Plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to judicial appointments and will not continue to monitor the changes of the value of this indicator during Year 3.

- Indicator 2.3.1, “*Increase public confidence of judicial effectiveness*,” is a Year 2 indicator that measures the public’s perception about the effectiveness of the Moldovan judicial system. In December 2017, Open Justice organized the first public opinion survey to measure the level of trust in the justice system. During October and November 2018, Open Justice conducted the second national public opinion survey regarding perceptions about the effectiveness of the Moldovan judicial system. Compared to the results of the first survey conducted in December 2017, trust in the justice system has increased from 16% to 19% among the general population and from 18% to 26% among those who have interacted with courts in the last two years. However, the results of the second survey on general public confidence show that the indicator did not achieve the target set for Year 2, which would require a 5% increase over the indicator’s baseline value of 22%. Numerous external factors have influenced the achievement in this indicator, many of which are outside the Project’s control. These include: the uncertainty surrounding the 2019 election, the complex context of collaboration between the Moldovan Government and the European Union (EU), donors’ public criticism of the 2018 mayoral election in Chisinau and government corruption, and the new conditionalities imposed by the donor community for continued financial support to the Moldovan Government.

The Year 3 Work Plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project’s Year 3.

B. PROJECT INDICATORS

Project Goal Indicator

- Increase in the court management score

Objective 1 Indicators

The six Objective 1 performance indicators are:

1. Number of approved and implemented amendments, regulations, court rules and instructions developed with Open Justice support
2. Number of district courts utilizing overarching ICMS
3. Number of justice sector personnel who received training with Open Justice support
4. Percentage decrease in alleged manipulations of the random case assignment module
5. Number of public-facing electronic applications that are incorporated into the MOJ's overarching ICMS
6. Number of e-governance systems/services, integrated with overarching ICMS

Objective 2 Indicators

The ten Objective 2 performance indicators are:

1. Ratio of judicial cases backlogged to the total number of pending cases
2. Percentage of performance management standards developed versus applied
3. Increase of reasoned, merit-based judicial appointments ensured by the SCM
4. Increase in public confidence of judicial effectiveness
5. Number of citizens reached by public outreach campaigns
6. Increase in number of positive or neutral media reports, reflecting MOJ, ACA, and SCM activity
7. Proportion of SCM sessions archived out of the total sessions live-streamed
8. Number of pilot courts using audio and video equipment to accommodate court users who are unable to attend the court hearing or sessions
9. Number of court decisions and rulings of the Chisinau District Court for the years 1973–2009 digitized and searchable online (except for domestic violence, sexual assault and other cases containing sensitive information)
10. Proportion of women panel speakers and women general participants in Project program-assisted activities, initiatives, and events

The table below analyzes the Project's performance against the established targets.

C. TABLE OF PERFORMANCE INDICATORS AND PROGRESS

Project Goal: More accountable and efficient justice system accessible to all members of society					
Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
Increase in the score for court management	0.33	0.34	0.35	n/a	0.34
Unit: Number (Scores)					
<p>COMMENT: Open Justice established the value for this indicator based on an external evaluation source, namely the WJP. The WJP includes 44 sub-factors measured through specific WJP Rule of Law tools, and quantitative data are posted on the WJP's web page (https://worldjusticeproject.org/our-work/publications/rule-law-index-reports).</p> <p>Out of the WJP's total 44 sub-factors, Open Justice identified and selected only those relevant to the Project's areas of activities. As a result, Open Justice identified four relevant WJP factors that it will monitor during the life of the Project. These four factors are: 1) Constraints on Government Powers; 2) Absence of Corruption; 3) Civil Justice; and 4) Criminal Justice. The data measures the extent to which Moldova's policy and state institutional framework support the accountability and efficiency of the courts and the quality of the courts' administration.</p> <p>WJP Index scores range from 0 to 1, with 1 indicating the strongest adherence to the rule of law. According to the latest edition of the WJP's report, published in February 2019, Moldova's overall score is 0.49 points, which is identical to the overall score for 2016 and 2018.</p> <p>(https://worldjusticeproject.org/sites/default/files/documents/WJP_RuleofLawIndex_2019_Website_reduced.pdf)</p> <p>As the Project measures only the four specific factors mentioned above (see Performance Indicator Reference Sheet²), our calculated value for this indicator—comprised of (an average of) these four</p>					

² WJP's Rule of Law Index reports presents information on eight composite factors that are further disaggregated into 44 specific sub-factors. Open Justice Project identified and selected 4 relevant factors and 8 applicable sub-factors that will be monitored during the project cycle. *Factor 1:* Constraints on Government Powers Sub-factor 1.2: Government powers are effectively limited by the judiciary – measures whether the judiciary has the independence and the ability in practice to exercise effective checks on the government. *Factor 2:* Absence of Corruption Sub-factor 2.2: No corruption in the Judiciary – measures whether judges and judicial officials refrain from soliciting and accepting bribes to perform duties or expedite processes, and whether the judiciary and judicial rulings are free of improper influence by the government, private interests, and criminal organizations. *Factor 7:* Civil Justice Sub-factor 7.2: Civil justice is free of discrimination — measures whether the civil justice system discriminates in practice based on socio-economic status, gender, ethnicity, religion, national origin, sexual orientation, or gender identity. Sub-factor 7.3: Civil justice is free of corruption — measures whether the civil

factors that the Project is tracking—differs from the country's overall value of 0.49. Compared to 2018, the value of the four indicators that the Project is monitoring decreased from 0.35 in February 2018 to 0.34 in February 2019. According to the WJP's latest report, the actual value of this indicator is 0.34, and thus it is below the Year 2 project target of 0.35 points, by 0.01 decimal point.

It is expected that the next WJP's report will be published in February 2020, which is beyond the life of the Open Justice Project. For this reason, the Project's MEL Plan does not include a Year 3 target for this indicator.

Disclaimer: The Project's scope is too narrow and the duration too short to produce a significant score increase for this overarching Project Goal indicator. USAID, in discussions with the Project, recognized that Open Justice cannot, given its narrow scope and the short time period of the contract, influence these scores in any meaningful way. Therefore, it was agreed that the Project's MELP Director will only monitor and report any changes in the WJP scores.

Objective I: Increased Efficiency of the Justice System

Result I.1: Court reorganization and optimization mapping updated, refined, and Implemented

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
I.1.1. Number of approved and implemented amendments, regulations, court rules, and instructions developed with Open Justice Project support Unit: Number	0	8	12	37	37

COMMENT: Throughout the period covering May 15, 2017- May 14, 2019, Open Justice assisted the SCM, ACA, MOJ and courts to draft and approve a total of 37 regulations, decisions and legislative acts.

justice system is free of bribery and improper influence by private interests. Sub-factor 7.4: Civil justice is free of improper government influence — measures whether the civil justice system is free of improper government or political influence. Sub-factor 7.5: Civil justice is not subject to unreasonable delay – measures whether civil justice proceedings are conducted and judgments are produced in a timely manner without unreasonable delay. Factor 8: Criminal Justice Sub-factor 8.5: Criminal system is free of corruption – measures whether the police, prosecutors, and judges are free from bribery and improper influence from criminal organizations. Sub-factor 8.6: Criminal system is free of improper government influence – measures whether the criminal justice system is independent from government or political influence.

Thus, by May 14, 2019, Open Justice assisted the SCM, courts and ACA/MOJ to develop and approve the following regulations and decisions: 1) the Regulation on Case Weights for Civil, Administrative, and Criminal Cases, approved by the SCM; 2) the Regulation on Publishing Court Decisions, approved by the SCM; 3) the Decision related to the Updated List of 17 Performance Indicators, approved by the SCM and MOJ; 4) the SCM Regulation on the Pilot-testing of the Video Recording Equipment for Court Hearings at Balți Appellate Court and Soroca District Court; 5) the Regulation on Processing Information Containing Personal Data by Using the Piloted Video Information System, approved by the Soroca District Court and the Balti Court of Appeal; 6) the Regulation on Criteria for the Selection, Promotion, and Transfer of Judges, approved by the SCM; 7) the Regulation on Criteria, Indicators, and Procedure for the Performance Evaluation of Judges, approved by the SCM; 8) the Regulation on the Use of the Videoconferencing System for Judicial Organization and Administration, approved by the SCM; 9) the Regulation on Random Distribution of Cases in Courts, approved by the SCM; 10) the Regulation on the Activity of the Commission on Ethics and Professional Conduct of Judges, approved by the SCM; 11) the Instruction on the Activity of Recording and Procedural Documentation in District Courts and Courts of Appeal, approved by the SCM; 12) the Law No. 136 of July 19, 2018 on amending the Law No. 178/2014 on the disciplinary liability of judges, developed by the MOJ and approved by the Parliament; 13) the Regulation on piloting a videoconferencing system for the remote participation of inmates in court hearings, approved by the SCM on October, 2, 2018; 14) the Law No. 137 of September 27, 2018 on amending several regulatory acts pertaining to the selection and evaluation of judges, developed by the MOJ, approved by the Parliament and promulgated by the President of the Republic of Moldova on October 19, 2018; 15) the ACA/MOJ Regulation on the processing of personal data in the Judicial Information System; 16) the ACA/MOJ Regulation on keeping the Register of the Judicial Information System; 17) the ACA/ MOJ Security Policy for the protection of personal data processed in registers managed by the Agency for Court Administration; 18) Regulation on Processing Information Containing Personal Data by Using the ICMS approved by 5 pilot courts from the Comrat and Cahul Courts of Appeal jurisdiction, in order to comply with the National Center for Protection of Personal Data (NCPD) requirements on protection of personal data used in the new ICMS system; and 19) Regulation on Processing Information Containing Personal Data by Using the ICMS approved by 15 additional pilot courts from the Chisinau, Balti, Drochia, Edinet, Soroca, Criuleni, Hancesti, Orhei, Straseni, Anenii Noi, Causeni and Ungheni District Courts, and Balti and Chisinau Courts of Appeal, and Supreme Court of Justice.

As mentioned in point 19 above, out of the total 37 regulations, during Quarter 3 of fiscal year 2019, under Objective 1, 15 pilot courts approved the Regulation on Processing Information Containing Personal Data by using the ICMS. Therefore, by May 15, 2019, Open Justice achieved the Year 3 target of 37 regulations.

In early April 2019, the Project also sent several suggestions for draft amendments to the SCM's Instruction on electronic statistical reporting in order to facilitate the transition toward paperless statistical reporting in courts. Open Justice expects that the SCM will adopt the amendments during the next reporting period.

Result 1.2: Case management system (CMS) is redesigned, upgraded, and implemented; it is sustainable and capable of integration with all respective e-governance systems (ICMS) in Moldova and compatible with court reorganization and optimization; ICMS becomes a standard of best court automation practices in the region

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
I.2.1. Number of district courts utilizing overarching ICMS Unit: Number	0	0	15	20	11

COMMENT: The Open Justice works on developing an overarching ICMS, which must be implemented by all 20 Moldovan courts, by the end of the extended period of Project's implementation — September 30, 2019. The overarching ICMS will replace the CMS that the Moldovan courts currently use.

In late December 2017, Soft Tehnica completed the final version of the ICMS Business Process Analysis, which defines the workflow and business processes for the new overarching ICMS. Following a competitive bid process, Open Justice contracted the IT company Alfa Soft, in February 2018, to develop and implement the overarching ICMS.

By the end of September 2018, Alfa Soft had developed all ICMS modules. The new ICMS has been designed to integrate with several national registries and e-services, which is expected to reduce the time spent by court staff manually introducing various data into the system. The ICMS is also integrated with the upgraded E-File module, which will allow attorneys and public entities to file claims online and receive up-to-date information on their cases. Alfa Soft also developed an online system by which ICMS users can report incidents of ICMS malfunctions to the Service for Information Technology and Cyber Security (SITCS, formerly CTS), which will increase transparency and efficiency in reporting and the SITCS response time. Finally, the system also includes a more flexible and complex EJSM.

Open Justice planned to start the ICMS piloting phase in November 2018 and made significant efforts to this end. The Project conducted a series of trainings for interns, who were selected to ensure the testing of the ICMS and assist with trainings of the court staff. Further, with the interns' assistance, Open Justice organized user testing with representatives of the Chisinau District Court, Comrat and Chisinau Courts of Appeal, the Supreme Court of Justice and ACA/MOJ, and trainings for SITCS representatives. In October 2018, Open Justice trained 147 judges and court staff from the first three pilot courts: Comrat and Cimislia District Courts and Comrat Court of Appeal, on the use of the newly-developed ICMS. Also, Open Justice purchased and installed 373 desktop computers in eight courts to ensure initial piloting of the new ICMS.

After the ICMS was adjusted to reflect all preliminary testers' feedback, ACA/MOJ requested that Open Justice draft a total of over 150 detailed workflow descriptions for each ICMS functionality. Honoring this request from ACA delayed the ICMS piloting from mid-November 2018 (as initially

scheduled) to mid-January 2019. Open Justice supported ACA/MOJ to finalize the testing of the developed workflow descriptions of the ICMS's functionalities and proceeded to the ICMS piloting phase in Comrat and Cimislia District Courts and Comrat Court of Appeal on January 21, 2019.

Open Justice closely collaborated with Alfa Soft, the SCM, ACA/MOJ, NCPPD, the E-Governance Agency and SITCS in planning the ICMS piloting process re-scheduled for January 2019. Open Justice provided support to ACA/MOJ in drafting documentation necessary for the registration of the ICMS with the NCPPD as part of the Judicial Information System (JIS). The NCPPD also requested that the ICMS interface include a watermark on all elements of Graphical User Interface, which Alfa Soft developed by the end of January, 2019.

On February 26, 2019, at the Open Justice's request, the SCM adopted the Decision No. 69/4, approving piloting of the new ICMS in an additional seven courts from the Southern and Northern districts of the country, namely: Cahul, Balti, Drochia, Edinet, Soroca District Courts and Cahul and Balti Courts of Appeal. Following the SCM's Decision, in February 2019, Open Justice assisted ACA/MOJ to authorize with the NCPPD the ICMS piloting extension. Open Justice also provided support in drafting the Regulation on Processing Information Containing Personal Data by Using the ICMS in the pilot courts.

In March 2019, to continue the gradual implementation of the new ICMS, Open Justice trained 218 judges and court staff from the Cahul and Balti District Courts and Cahul and Balti Courts of Appeal, on the use of the upgraded system. As a result, by the end of Quarter 2 of the fiscal year 2019, the new ICMS version 5.0 was piloted in a total of five courts and namely: Comrat, Cimislia and Cahul District Courts and Comrat and Cahul Courts of Appeal.

During Quarter 2 of fiscal year 2019, the Project created an internal call center that is answering ICMS users' questions via the phone on a daily basis and report bugs and other technical issues, which are immediately fixed by the Project's IT developer Alfa Soft per their contract. The call center will work until the end of the Project implementation to ensure that all program errors can be reported and quickly corrected. During Quarter 2, the Project also assessed the courts' IT needs and the technical capability of the computers used by the courts staff to support the implementation of the new ICMS across the country. Open Justice submitted the results of the assessment to the ACA/MOJ for planning purposes. During the Quarter 4 of fiscal year 2019, the Project will also evaluate the possibility of purchasing additional computers for the pilot courts within the limit of available funds, in order to ensure smooth implementation of the new ICMS.

During Quarter 3 of fiscal year 2019, Open Justice continued to support the piloting of the new ICMS in five courts from Comrat and Cahul Appellate Courts territorial jurisdictions. In early April, 2019, Open Justice also facilitated a series of training for the SITCS technical staff to offer user support in the use of the new ICMS. The training ensured that SITCS staff is able to respond to ICMS-related requests submitted by court staff and to adjust the ICMS according to new procedural rules beyond Project's life.

On April 15, 2019, Open Justice launched the piloting of the new ICMS in five additional courts – Balti, Soroca, Edinet and Drochia District Courts and the Balti Court of Appeal, that are situated in the North of the country.

In May 2019, the Project offered support to ACA/MOJ in obtaining from the NCPPD the authorization for the processing of personal data during ICMS piloting in the Chisinau Court of

Appeal circuit, and the Supreme Court of Justice. As a result, on May 27, 2019, Open Justice started the piloting of the new ICMS in the Supreme Court of Justice. By the end of June 2019, during Quarter 3 of fiscal year 2019, Open Justice trained a total of 1267 court users about the new ICMS functionalities, aimed at improving the ability of court users to effectively apply ICMS tools for automated case management.

In June 2018, Open Justice participated in a meeting of the ICMS Working Group, organized by ACA/MOJ with the participation of SCM and Supreme Court of Justice representatives to discuss the case distribution and other issues that were identified during the ICMS piloting at the Supreme Court of Justice. The final decision of whether to change or not the random distribution module for the Supreme Court of Justice will be adopted at the ICMS Working Group meeting in mid-July, 2019.

During the next quarter, starting July 8, 2019, to complete the gradual implementation of the ICMS, Open Justice will launch piloting of the new software in nine more pilot courts from the Chisinau Appellate Court circuit, consisting of 20 locations. The assistance provided by Open Justice, during the next reporting period, will be also focused on ensuring that the Government of Moldova can assume full authority and responsibility for properly operating, maintaining and sustaining the new ICMS beyond the Project's lifetime.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
1.2.2. Number of justice sector personnel who received training with Open Justice Project support Unit: Number	0	200	1,500	3,300	3,684

COMMENT: Since the start of the Project, Open Justice trained a total of 3,684 persons on judicial reform issues in the subject areas in which the Project works. Of those, 2,779 (75%) were women and 905 (25%) were men. This result exceeds by 384 persons the Project Year 3 target. This is due to a high demand from judges and judicial staff for training in the new ICMS use and administration.

During Project Years 1 and 2, for the period of May 15, 2017 to May 14, 2019, the Project trained 2,809 people. Of those, 2,104 (75%) were women and 705 (25%) were men. This result exceeds by 1,309 persons the project Year 2 target. This is due to a high demand from the SCM, MOJ/ACA, judges, judicial staff, and lawyers for training in areas ranging from the new IT tools that the Project has implemented to best practices in court administration, court performance, personal data protection, gender equality and other judicial reforms that the Project promotes.

During Quarter 3 of fiscal year 2019 the Project has trained 1,300 persons, of those, 988 were women (76%) and 312 were men (24%). Below there is a description of trainings, workshops, and informative events that the Project conducted during the reporting period:

1. Under Objective 1, during April-June, 2019, Open Justice trained 1,118 court users from Balti and Chisinau Courts of Appeal circuits on the use of the new ICMS (869 women—78%, and 249 men—22%). Due to the high number of the to-be-trained court staff, Open Justice delivered trainings in the training rooms from the Chisinau Court of Appeal, National Institute of Justice and Moldova State University.
2. During April 10-11, 2018, Open Justice facilitated a series of training for 10 (4 women-40% and 6 men - 60%) SITCS's technical staff to offer user support for the use of the new ICMS. Open Justice and the ICSM developer, Alfa Soft, presented the new ICMS functionalities and modules, and explained how to manage incidents reported by court staff to the SITCS call center.
3. On April 24, 2019, Open Justice trained 5 (3 women - 60% and 2 men - 40%) judicial inspectors from the SCM on the use of ICMS and statistical reporting. The training focused on the use of the ICMS for monitoring court performance, detecting and reporting eventual ICMS manipulations, and compiling data for monthly random case assignment reports that will be published online. Thus, the SCM inspectors will continuously monitor how courts use the ICMS and will follow up on alleged ICMS manipulations.
4. During April 10-12, 2019, in cooperation with the National Institute of Justice, Open Justice held two training sessions for a total of 39 Moldovan judges (23 women - 59% and 16 men - 41%) court chairmen and chiefs of the secretariat. The trainings focused on Time management, ICMS Electronic Judicial Statistics Module and Performance Dashboard. The participants improved their ability to effectively apply ICMS tools for automatic generation of statistics and court performance data that will replace the current manual system and significantly improve court efficiency.
5. During May 20-24, 2019, Open Justice trained 110 users from the Supreme Court of Justice (82 women – 75%, 28 men – 25%) on how to use the newly developed ICMS module. The trainings were attended by Supreme Court judges and court staff. The trainings ensured a smooth piloting of the Supreme Court module starting May 27, 2019.
6. Under Objective 2, during April 4-5, 2019, Open Justice organized a two-day interactive training session (workshop and training of trainers) for 18 Moldovan judges and representatives of the Judicial Ethics Commission (JEC)— (8 women - 44% and 10 men - 56%). The participants discussed the consequences of unethical behavior, preventive measures, and the role of the JEC and of the court presidents in preventing unethical behavior and improving the perception of the judiciary. Other practical aspects such as ethical training methodology, the manner of training in case of different target groups and methods of training (e.g. such as using videoconferencing) were discussed as well. The participants concluded that it is important that both the JEC and the court presidents and judges take a proactive approach in solving ethical issues through requesting and drafting opinions and recommendations.

Result 1.3: Case management data generated to streamline case flow and optimize court administration and management					
Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
1.3.1. Percentage decrease in alleged manipulations of the random case assignment module Units: numeric, percentage Sub-Indicators:					
1. Ratio of judges blocked for a period to the total number of judges	41%	<30%	<20%	<20%	14%
2. Number of cases/actions of using the option "incompatible judges"	4,620 (100%)	<80%	<60%	<60%	33%
3. Number of times judges saved in the system as "incompatibles"	27,988 (100%)	<80%	<60%	<60%	12%
4. Number of cases/actions saved as "examined by the same judge/panel"	213 (100%)	<95%	<90%	<90%	423%
5. Number of actions saved in the system as "changing the judge's role"	12 (100%)	<85%	< 75%	< 75%	0%
COMMENT: Since November 2014, all Moldovan courts have been using the CMS automatic random case assignment module to distribute cases to judges. Since December 2014, the previous USAID rule of law project Rule of Law Institutional Strengthening Program (ROLISP) started to					

produce monthly reports on the random assignment of cases via the CMS in Moldovan courts. After ROLISP ended in February 2016, the MOJ/ACA took over the development of the monthly random case assignment monitoring reports, which are published on the ACA's website — <http://aaij.justice.md/ro/rapoarte/rapoarte-privind-repartizarea-aleatorie>.

In October 2017, Open Justice contracted a staff attorney who developed the CMS/ICMS random case assignment monthly reports during fiscal year 2018 and during October 2018-May 2019. Starting with Quarter 2 of fiscal year 2019, the random case assignment monthly reports include data from the pilot courts implementing the new ICMS and the data from the courts still implementing the CSM Version 4.1.4. The reports analyzed the trends in CMS/ICMS random case assignment interventions by court representatives and offered recommendations for eliminating and preventing irregularities. During the previous reporting period, in partnership with the SCM's JIB, the Open Justice staff attorney followed up with specific courts that had the highest number of interventions in the CMS/ICMS random case assignment, to document and analyze the reasons for the interventions. Starting June 2019, ACA/MOJ took over the development of the random distribution reports.

Data obtained as a result of the monitoring of the random case distribution, during the implementation of the Project, reveal fluctuations with decreases and increases in the five sub-indicator values.

Compared to the baseline, the data obtained as a result of monitoring random case distribution during the Quarter 3 of fiscal year 2019 reveals a steady decrease in each of the first three sub-indicators and in the value of the fifth sub-indicator.

The significant increase in the fourth sub-indicator value occurred at the Chisinau District Court in the registration of cases examined by specialized judges who authorize various investigative activities/measures. Approximately 90% of the specialized judges appointed to the Moldovan courts work at the Chisinau District Court. As of December 18, 2018, the SCM had amended the Regulation on Random Case Assignment. The amendment establishes that certain requests for authorization of investigative activities/measures, which are registered as separate cases in CMS but belong to the same criminal prosecution file, are examined by the same investigative judge. As a result, given that there are no other technical possibilities in the current CMS version 4.1.4 to ensure that such cases are distributed to the same judge, court staff from Chisinau District Court resorted to the use of the "examined by the same judge/panel" action. The new ICMS version provides that such cases are distributed to the same investigative judge without using the option "examined by the same judge/panel". As the piloting of the new ICMS in Chisinau District Court is planned for early July, 2019, it is expected that the value of the fourth sub-indicator will decrease considerably as a result of the new software implementation.

Generally, the registered increases or decreases in the value of specific sub-indicators observed during the whole monitoring period do not necessarily suggest a strong negative or positive trend.

Indicator and target values must be analyzed in context in order to accurately measure whether manipulations of the random case assignment module have occurred (and this is the logic behind using the word "alleged" in the indicator description). While no intentional manipulations of the random case assignment module were revealed during the reporting period, there were frequent errors committed by the system users, and thus are a factor of human error and not corrupt intent. The analysis of these factors, submitted by courts at the SCM's request, revealed that the high

incidence of user error is due to the frequent turnover of court personnel, the limited training capacity of courts, and the bugs and technical malfunctions that sometimes occur in the CMS in certain courts.

To ensure the sustainability of this activity and to institutionalize the monitoring of the case random distribution via CMS/ICMS, Open Justice advocated, together with the SCM, to the MOJ, to add one judge-inspector to the JIB to permanently monitor and investigate any irregularities in the CMS and the new ICMS random case assignment module. In September 2018, the Parliament approved amendments to the 1996 Law No. on the SCM, increasing, *inter alia*, the number of judge-inspectors from 5 to 7. One judge-inspector from these two positions will be responsible for monitoring random assignment. The Law entered into force on January 1, 2019. On February 22, 2019 the JIB announced two vacancies for judicial inspectors, the application deadline being March 25, 2019.

On April 24, 2019, Open Justice trained five judicial inspectors from the SCM on the use of the ICMS for monitoring court performance, detecting and reporting eventual ICMS manipulations. This will enable the SCM inspectors to constantly monitor how courts use the ICMS, to inform the public about it, and to follow up on alleged ICMS manipulations. During the next reporting period, upon SCM's request, Open Justice will conduct a follow-up training for the two additional judicial inspectors, selected in late April 2019.

The continuous monitoring of random case distribution helps to: 1) increase courts' responsibility and reduce illegal interventions/improper use of CMS/ICMS case random distribution, 2) improve the structure and content of the MOJ/ACA reports on random distribution, and 3) institutionalize the responsibility of the SCM, the ACA, and court staff to properly monitor the random distribution of cases.

In September 2018, at the request of the SITCS, Open Justice published a Request for Quotations to identify eligible companies to provide an IT solution for monitoring the ICMS database in order to screen and block data manipulations on the ICMS central database. In December 2018, the Project contracted the company IT-LAB Group SRL to provide the IT solution. The installation, configuration and debugging of the solution was completed in March 2019. This solution will perform real-time analysis of business and system events generated by the new ICMS application. That analysis will identify and alert the responsible bodies — the ACA, SITCS, and the SCM's JIB— about unauthorized access to the database and suspicious activities within the system that could result in manipulations of the random case distribution algorithm. Thus, the IT solution for ICMS monitoring is expected to prevent attempted manipulations and ensure the safety and integrity of data stored in the ICMS.

Result 1.4: ICMS is capable of eventual functional integration with all relevant systems of the state agencies (the Civil Registry, the Prosecutor General's Office (PGO), police, prisons, Forensics Bureau, cadaster system, etc.)					
Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
1.4.1. Number of public-facing electronic applications that are incorporated into the MOJ's overarching ICMS Unit: Number	0	2	4	4	2
<p>COMMENT: The Business Process Analysis for the new ICMS provides that the ICMS will incorporate three electronic publicly-available applications as follows: the E-File version 2.0 that will allow lawyers to electronically submit complaints, the National Courts' Web Portal that ensures online access to operational data available on the ICMS for court users, and the upgraded Web Report Card listing court performance data for general public access, which will be available on the SCM's website. The fourth public-facing electronic application related to submission of online petitions to the SCM JIB, envisaged at the beginning of the Project when developing this indicator, has been accessible since October 2018 from the upgraded SCM website, rather than via ICMS.</p> <p>The E-File version 1.0 was developed by the MOJ, in accordance with the Government's Action Plan for 2016–2018, which laid out several priorities, such as ensuring extensive functionality of the ICMS. Open Justice assisted ACA/MOJ to interconnect the E-File version 1.0 with the CMS and to pilot the E-File module. The E-File module enables case parties and their representatives to electronically submit procedural documents to the court, and monitor the progress of the related court proceedings online. Open Justice also provided technical assistance to the MOJ to assess the pilot phase results, upgrade the E-File application and make it part of the ICMS. The redesign of the E-File module version 2.0 and its integration with ICMS was completed by September 2018. On March 25-26, 2019, Open Justice, in collaboration with Alfa Soft, trained 20 attorneys on how to use the newly developed E-File module. Six ACA/MOJ representatives also attended the training in order to take over the training responsibilities once the E-File piloting is extended to other courts. The piloting of the upgraded E-File module started on April 1, 2019 in Cahul district court and the Cahul Appellate Court. Since, April 1, 2019, until June 30, 2019, the attorneys successfully submitted thirty-six claims using the E-File Module, including through the cell phone/mobile version of the system. During the next quarter, the Project will continue to support the implementation of the E-File Module across the entire country.</p> <p>In March 2018, Open Justice selected the IT company Deeplace through a competitive bidding process to upgrade the National Courts' Web Portal. During Quarter 4 of fiscal year 2018, Open Justice organized a presentation for ACA representatives on the recently upgraded National Courts' Web Portal. The presentation provided an opportunity for the final vetting of the design and functionalities of the website and for collecting feedback to make the necessary adjustments. It focused specifically on additional features necessary to incorporate adaptive technologies for the</p>					

disabled. At the ACA/MOJ's request, the launch of the upgraded National Courts' Web Portal was postponed until the piloting of the new ICMS is launched. In January 2019, Open Justice transferred the National Courts' Web Portal to the production version and tested the developed web services, after the launch of the first ICMS pilot phase and completion of the first stage of data migration from the CMS into the new ICMS. The upgraded National Courts' Web Portal will automatically extract all court decisions from the new ICMS for public use which will considerably enhance the transparency and accessibility of the judiciary. Throughout January – June 2019, Open Justice launched the official webpages of 10 pilot courts, from Comrat, Cahul and Balti Appellate Courts territorial jurisdictions. The Project will continue to assist ACA/MOJ to launch the webpages of the rest of the courts from the Chisinau Appellate Court circuit. The launch of all the courts' webpages, as part of the upgraded National Courts' Web Portal, will further increase judicial transparency and inform the public about judicial performance in real time.

During fiscal year 2018, Open Justice completed the technical and functional requirements to update and refine the Web Report Card which was developed by the project's subcontractor Alfa Soft. During Quarter 2 of fiscal year 2019, Open Justice sent the electronic link to the application to the MOJ and SCM for testing and acceptance. During the reporting period, the Project's subcontractor, Alfa Soft, adjusted the Web Report Card to reflect ACA/MOJ's feedback on the application functionalities. The Project is currently awaiting the SCM's feedback, in order to complete the development of the application. The Web Report Card will publish court performance data for courts once the ICMS is implemented in all courts. The upgraded Web Report Card will allow journalists, academics, and the general public to have access to court performance information.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
1.4.2. Number of e-governance systems/services integrated with overarching ICMS Unit: Number	0	1	3	n/a	8

COMMENT: During fiscal year 2018, Open Justice assisted the MOJ establish the Working Group on the interoperability of the new ICMS with other e-governance systems. Its objective was to analyze and establish data to be exchanged between e-governance information systems, and to increase the overall efficiency of the justice sector. While the architecture of the new ICMS is meant to interconnect and provide a platform for data exchange and communication between all relevant state agencies, during the Working Group meetings it was determined that the governmental interoperability platform called M-Connect will ensure the interconnection of the information systems. The Working Group proposed that each institution remain the proprietor of its own information system, which will export data to the ICMS. The costs of interconnectivity will be supported by each institution.

At the MOJ's request, the following IT systems are to be interconnected with the ICMS: the E-File system of the Prosecutor General's Office (PGO), the NPA system, the Civil Registry, the information system of the Ministry of Interior Affairs, MPay, MPass, MSign, MLog, MNotify, and other government E-Systems.

During fiscal year 2018, with the Open Justice assistance, the MOJ, in its capacity as the owner of the JIS, signed the Agreement on Interoperability Services, delivered through the M-Connect Interoperability Platform, with the E-Gov Center. According to the Governmental Decision No. 593 of July 24, 2017, the JIS includes four components: ICMS, E-File, the National Courts' Web Portal, and the IT solution for recording court hearings, Femida. The interoperability of the JIS will be ensured by integrating ICMS with other governmental registries and systems.

During Quarter 4 of the fiscal year 2018, Alfa Soft connected the new ICMS to the State Population Register and the State Register of Legal Entities systems, to automate data entry and to ensure data integrity. In addition, Alfa Soft integrated all relevant e-services and systems —MPay, MPass, MSign, MLog, and MNotify services with the new ICMS through the MConnect platform. As a result of these efforts, Open Justice exceeded the planned target for Project Year 2 by five units. The functioning of these services has been tested since January 21, 2019 in the first three pilot courts, namely Comrat and Cimislia District Courts and Comrat Court of Appeal, designated by the SCM in its Decision No. 323/16 of July 3, 2018, and Decision No. 376/19 of July 31, 2018. Currently, the ICMS integration with the State Population Register and the State Register of Legal Entities systems, MPay, MPass, MSign, MLog, and MNotify services through MConnect platform is being tested in all 11 courts where the ICMS is piloted.

During Quarter 3 of fiscal year 2019, the Project tested the ICMS integration with the PGO's E-File system. The full integration with the PGO's E-File system will be possible once the PGO registers with the NCPPD and has access to M-Connect service.

In order to assess the preconditions for ensuring the ICMS connectivity and to support the stakeholders in determining the regulatory and technical requirements for the ICMS's functional integration, in late April 2019, the Project contracted an international expert to conduct an Interoperability Assessment. Throughout April–June, 2019, Open Justice developed and implemented also a new ICMS functionality, which allows court staff to send court decisions and additional documents to probation officers directly from the ICMS to their email addresses. The functionality addresses one of the most pressing issues that the Probation Office is currently facing – tardy receipt of court decisions for enforcement. Further integration with the Probation Office will take place based on the Interoperability Assessment, mentioned above.

Objective 2: Increased Transparency and Accountability of the Justice System					
Result 2.1: Performance management standards applied based on the management data generated by the CMS/ICMS					
Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.1.1. Ratio of judicial cases backlogged to the total number of pending cases Unit: Percentage	3.7%	<3%	<2%	<2%	6.3%
<p>COMMENT: On November 29, 2016, the SCM adopted a decision establishing case processing time standards, which have not yet been implemented. Consequently, for the purpose of this Project indicator, a “backlogged case” is a domestic court case that is pending and unresolved, for a period exceeding 24 months. This definition corresponds to the European Court of Human Rights case law.</p> <p>By June 30, 2019, the ACA/MOJ made available to the project only the statistical data for the January–March 2019.</p> <p>According to latest available data provided by the MOJ/ACA, the total number of pending cases throughout January 1–March 31, 2019 is 39,054 cases, of which 2,475 (6,3%) cases were backlogged cases pending more than 24 and 36 months (including civil, penal and contravention cases). The actual value of this indicator negatively exceeds its established baseline by surpassing the Project’s Year 2 target by 4.3 percentage points and shows a downward trend.</p> <p>Backlog has increased as a result of the court reorganization reform, which reduced the number of court premises in the country. Parties to a case and lawyers often fail to show up to hearings and trials due to the long distances they now have to travel to a court and the higher travel costs they have to pay. Many of the newly-reorganized courts lack judges and staff, which also affects case management.</p> <p>During fiscal year 2018, Open Justice supported the SCM’s Working Group on CEPEJ indicators to review all current performance indicators and developed an upgraded list of 17 Performance Measures based on CEPEJ indicators. At Open Justice’s request, the SCM, through its Decision No. 854/37 of December 19, 2017, approved the Performance Indicators’ list, including those related to time management, which are CEPEJ measures of court performance (clearance rate, disposition time, age of pending cases, on-time case processing). On March 28, 2018, the MOJ also approved the 17 Judicial Performance Indicators (JPIs).</p> <p>The Project implemented the CEPEJ-based statistical electronic fiche that automatically generates CEPEJ court reports on eight performance indicators. The Project interconnected the fiche with the CMS, thus enabling court staff to generate annual statistical data from the CMS on the efficiency of court administration, including data related to time management. Open Justice connected the</p>					

electronic fiche with the new ICMS in January 2019. Using the fiche, the courts can better track their performance and observe downward trends related to case clearance or time to disposition, which will encourage actions to decrease case backlog in the long run.

Additionally, one of the most important elements of the Project's IFCE implementation efforts in all Moldovan Appellate Courts was the use of CEPEJ-based judicial timeframes (see <https://rm.coe.int/16807481f2>) as a tool to assist courts in dealing with the excessive length of judicial proceedings. The Appellate Courts identified the causes of unnecessary delays in handling cases and defined the time standards and targets for all relevant case types. Further, the Appellate Courts monitored the observance of time standards by the management of the court, in order to detect potential delays at an early stage in the proceedings. The results of the IFCE implementation in the Moldovan appellate courts were reflected also in the Final Report on IFCE implementation and were presented at the final Conference organized on January 25, 2019. One of the main outcomes of the IFCE piloting was that courts applied a court performance quality system that involved judicial performance indicators related to time management.

As of November 27, 2018, and via Decision No. 532/25 and Decision No. 533/25, the SCM approved the Reports of the JIB on civil and criminal cases pending more than 12, 24 and 36 months. According to the Report, the JIB assessed the data provided by courts and concluded that judicial delay is caused in civil cases by the numerous motions filed by the parties to lawsuits, requests for adjournments, the suspension of trial procedures, the performance of forensic examinations, and by additional requests made by the interested parties after the beginning of court proceedings. The JIB found also that, in criminal cases, the most frequent causes of trial delays are the failure of defendants to show up in court and the need for prosecutors to obtain warrants (which take a long time to be issued) to search defendants' residences, or to compel defendants to attend a trial when they refuse to show up in court. In addition, the JIB concluded that in some cases the judges did not provide speedy justice because of the large workload they must undertake. The SCM approved the JIB's Reports with a request that court Presidents take measures to limit the delays that impair the right to a speedy trial and that the JIB continuously monitor the backlogged cases in courts.

The Project's scope is too narrow and the duration too short to significantly influence a decrease in the ratio of judicial case backlogs to the total number of pending cases in the context of the ongoing court reorganization reform. The Project provided local stakeholders with clear standards and modern IT tools that will automatically track and generate information and performance indicators about the duration of cases, which will lead to improved backlog reduction efforts.

Result 2.2: Oversight over judicial performance institutionalized					
Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.2.1. Percentage of performance management standards developed versus applied Unit: Percentage	23%	13	100%	100%	17 developed vs. 11 applied
<p>COMMENT: Prior to the Project's start, the SCM adopted the Decision No. 634/26, of September 29, 2016, approving a list of 13 JPIs. During the fiscal year 2018, Open Justice assisted the SCM CEPEJ Working Group to revise and update the JPIs. As a result of Open Justice assistance, the SCM revised its Decision No. 634/26 and approved the updated list of 17 JPIs by its Decision No. 854/37, dated December 19, 2017. At the Project's request, MOJ endorsed the new list of 17 JPIs on March 28, 2018.</p> <p>Currently, 11 out of 17 Court Performance Indicators approved by the SCM are used through the CMS Judicial Performance Dashboard and the electronic CEPEJ-based statistical fiche that the Project developed. Three performance indicators are incorporated in the CMS Judicial Performance Dashboard. The other eight indicators are incorporated in the CEPEJ-based statistical fiche available from the CMS. The Project tested the statistical fiche in the Soroca, Comrat and Cahul district courts and Comrat, Cahul and Balti Courts of Appeal, during Quarter 2 of fiscal year 2018. After the testing, the fiche was implemented in all Moldovan courts, starting in May 2018.</p> <p>Following the above-mentioned developments, Open Justice incorporated 16 out of 17 approved JPIs into the upgraded Performance Dashboard of the new ICMS, which will increase the capacity of the Moldovan judiciary to monitor and assess its performance. The 17th JPI is set out to measure the litigants' satisfaction with courts' services by using paper questionnaires within the court premises. The Project expects that the performance data of Moldovan courts will be uploaded in the upgraded Judicial Performance Dashboard by September 2019, after the implementation of the new ICMS in all courts.</p> <p>During Quarter 1 of fiscal year 2019, Open Justice developed the user guide on the Performance Dashboard. The guide will contribute to capacity-building of the courts to use and interpret real-time data and automated reports generated by the Performance Dashboard. Open Justice integrated the draft Guide into the ICMS and made it available to pilot courts from Comrat, Cahul and Balti Appellate Courts circuits. The Guide is accompanied by video tutorials and will be also used as training material in future training activities for the courts to be held in the next reporting period.</p> <p>Open Justice also submitted an official request to the National Institute of Justice (NIJ) for the inclusion of trainings on the use of the upgraded ICMS EJSM in the NIJ's training plan. As a result, during April 10-12, 2019, Open Justice held two training sessions for Moldovan judges, court chairmen and chiefs of the secretariat at the NIJ. The training focused on ICMS time management tools and the improvement of the quality of judicial services, as well as on ICMS reporting tools and analysis of judicial statistics data. The training improved the ability of court chairmen and chiefs of</p>					

the secretariat to effectively apply ICMS tools for the automated processing of judicial information and management of the court.

Open Justice also updated the Web Report Card that will provide data on courts' performance to the public at no cost, thus significantly increasing judicial transparency. The Web Report card will be available online and will display data from the pilot courts using the new ICMS, once the SCM will test and accept the developed application.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.2.2. Increase of reasoned, merit-based judicial appointments ensured by the SCM	20%	>40%	>70%	n/a	18%
Unit: Percentage					

COMMENT: USAID approved the Open Justice Year 1 Work Plan with a request that the Project promote merit-based judicial appointment and clear judicial promotion criteria and procedures. This request arose from the fact that, according to the media and expert non-governmental organizations, the process of judicial selection and promotion lacks transparency and impartiality and thus undermines public confidence in the justice system.

During November – December 2017, Open Justice conducted a workshop and a training which were dedicated, *inter alia*, to improving the quality of reasoning in SCM decisions on judicial appointments. Also, in January 2018, Open Justice sent to the SCM the final *Assessment Report on Selection and Evaluation of Judges* that expressly stressed the need to improve the quality of reasoning, and efforts that are required to improve selection and evaluation processes in the SCM.

During the fiscal year 2018, the Open Justice Project contributed significantly to improving the legal framework via local and international consultancy and expertise, assessments, and the creation of related platforms for discussions between stakeholders. Based on the Project's solid technical assistance and recommendations, the MOJ developed draft laws for amending several legislative acts, which significantly change judicial selection/evaluation procedures. On July 29, 2018, the Parliament adopted, in the final reading, amendments regulating *inter alia* the reasoning of the SCM decisions pertaining to judicial appointments. The President of the Republic of Moldova promulgated the law on October 19, 2018. The amendments entitle the SCM *inter alia* to score the candidates in a proportion of 20% of the total score that can be awarded. Thus, the new law limits the margin of discretion of the SCM and binds it to not exceed its competence, falling within this 20% margin of discretion. In January 2019, the Open Justice assisted the SCM to develop the new *Regulation on the organization and conduct of the competition for the selection of judges, and appointment of vice-president and president of the court*, approved through the SCM Decision No. 612/29 of December 20, 2018. According to the new provisions, the SCM will organize ordinary contests for supplementing the judicial vacancies twice a calendar year and extraordinary contests in order to respond to the urgent staffing needs in courts. Also, in accordance with the revised legislation, the candidates have the

right to appeal the SCM's decision to the Supreme Court of Justice on both substantive and procedural issues.

According to the Project's collection and analysis of data, from January – May 2019, the SCM did not organize ordinary contests for supplementing judicial vacancies. In March 2019, the SCM held one extraordinary competition for filling six vacancies at the Ciocana branch of the Chisinau District Court. It should be mentioned that the SCM's Decision on the vacancies from the Ciocana court shows an improvement in terms of sound reasoning of the judicial selection and promotion. On April 16, 2019, the SCM announced through its Decision No. 156/8 and No. 157/8 of April 16, 2019 the first round of ordinary contests for supplementing judicial vacancies, both for judge (45 positions) and for management positions in courts (8 positions). Candidates were invited to submit their applications by May 22, 2019.

As the Project's collection and analysis of data showed that the SCM organized only one competition during the Quarter 2 of fiscal year 2019 and did not organize ordinary contests by May 14, 2019, there were no grounds to revise the value of this indicator calculated at the end of the Quarter 1 of the fiscal year 2019.

During fiscal year 2018 and Quarters I of fiscal year 2019, the Open Justice Objective 2 staff attorney analysed the SCM webpage and reported that the SCM has launched a total of 47 competitions, announcing a total of 82 judicial position openings. Out of 47 competitions, 11 were launched during Quarter I of fiscal year 2019, when the SCM announced 21 judicial position openings. Overall, during Quarter I of fiscal year 2019, the SCM issued a total of 11 decisions, out of which only two (18%) decisions were partially reasoned. The actual indicator's value is 2% below the baseline, which is 52% below the annual target value established for Project Year 2. Thus, the SCM improved its reasoning in only 18% of issued decisions, by making explicit references to the professional activity, efficiency, and integrity of the candidates.

Generally, during the fiscal year 2018 and the Quarter I of the fiscal year 2019, the SCM continued to apply stereotypical restatements in favour of one or another candidate. Along with standard phrases, such as "following the analysis of professional activity and relevant materials," the SCM Plenum limited itself to formal legal provisions without clear-cut reasoning of its decisions.

In August 2018, the Project selected a local consultant who worked on developing guidelines to help SCM members draw up well-reasoned decisions that will be used directly by the SCM and Board members. In March 2019, Open Justice refined the draft of the Guide prepared by the national expert for review and submitted the Guide to the SCM for feedback. In May 2019, the Project conducted a meeting with the SCM leadership in order to discuss and finalize the Guide. Open Justice expects that the Guide will help the SCM to improve the transparency of the process of judicial selection and promotion.

Based on the new government's first priority to strengthen democratic processes and the latest SCM's dismissal decisions related to high judicial managerial positions, Open Justice expects that the quality of the reasoning of the SCM's decisions on judicial appointments and career will likely be positively impacted and will contribute at building the trust of population in the judiciary.

Note: Year 3 work plan of the Project includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to judicial appointments

and will not continue to monitor the changes in the value of this indicator, during the Project's Year 3.

Result 2.3: Public Access to justice sector information

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.1. Increase public confidence of judicial effectiveness Unit: Percentage	22%	N/A	>5%	n/a	19% (general public) / 26% (people who interacted with courts)

COMMENT: As a baseline for this indicator, Open Justice used data presented by the Institute for Public Policies in its last Barometer of Public Opinion survey, conducted in early 2017. The Institute's survey contains only data about respondents' trust in various state and non-state institutions, including in the justice sector.

In accordance with the Project's Year 1 and Year 2 Work Plans, Open Justice carried out two national public opinion surveys to assess the overall population's understanding of the ongoing judicial reforms and achievements, as well as to gather feedback for further improvements. In each survey, more than 1,100 people expressed their perception about the judicial system in Moldova, 200 people described their interaction with the judicial system in the last two years, and four Focus Groups sought to obtain in-depth information about the judiciary's performance. Thus, in December 2017, Open Justice, in partnership with the EU Project on Increased Efficiency, Accountability, and Transparency of Courts in Moldova (ATRECO), engaged a local research company to conduct the first nation-wide survey on public opinion of the judicial system. The survey involved 1,200 respondents and was carried out under the supervision of an international expert hired by ATRECO.

The first survey results showed that there are areas requiring considerable improvements. For example, only 16% of the general population and 18% of people who have interacted with courts declared they had trust in the judicial system, which is less than the established baseline of 22% by 6% and 4% respectively. At that time, these values confirmed the negative trend related to the trust in judiciary resulting from other opinion polls conducted by different institutions during 2017–2018. Among the reasons for distrust in the judicial system were: limited access to high-quality legal assistance, corruption, examination of high-profile cases behind closed doors, poor legal education, and judges' biased attitudes. On the other hand, during this first survey, the international expert who supervised the survey company noted several positive poll findings pertaining to the judiciary. For instance, 52% of the general population and 50% of people who interacted with the courts agreed that court staff are both competent and professional. At the same time, over 82% of the respondents evaluated women's access to courts as equal to men's.

The SCM took note of the first survey results and emphasized that they will serve as a basis for further pro-active implementation of beneficial changes. The media posted the electronic version of

the survey brochure online and noted the SCM's effort to actually take into account court users' opinions regarding reforms that are much needed in the judicial system.

In September 2018, Open Justice competitively selected the Magenta Consulting company to conduct the second public opinion survey on the Moldovan judiciary. They were tasked with using the same methodology and questions from the 2017 survey. The second survey was conducted from October-November 2018 and the results were presented in December 2018. Even though the results show that the (average) value of the indicator referring to the public perception of the judiciary failed to achieve its final target, the second survey shows certain improvements in the judicial system. For instance, the trust in the justice system has increased from 16% to 19% among the general population, and from 18% to 26% among people who have interacted with courts in the last two years. Another positive trend is the increase of people's confidence in judges, which rose from 19% to 20% among the general population and from 20% to 25% among the people who participated in court trials.

With regard to the perception of corruption in the justice system, the survey revealed a decrease from 75% in 2017 to 70% in 2018 among the general population respondents, and from 83% to 71%, respectively, among the people who went to court in the past two years. The second survey also reveals that court users are better informed about ICMS, as indicated by an increase from 38% in 2017 to 46% in 2018. Meanwhile, the general public maintained last year's level (28%) regarding the awareness about the ICMS. At the same time, more than half of the respondents who know about the CRO are not satisfied with it. Specifically, the rate of the general population that is not satisfied with the court reorganization reform increased by 5%, while the rate of the population that is satisfied with the changes brought about by the reform decreased by 7%. However, more people believe that Moldovan laws are well written (a 17% increase compared to 2018); 5% more court users and 8% more of the general public who have not interacted with the judiciary before believe that they are well-informed about how the judiciary works.

The stated improvements are partially due to the vigorous efforts made by the Open Justice Project to support the reform in the judiciary, to upgrade and develop the new ICMS, to train, inform, consult and involve many key stakeholders and final users in developing project products and activities. To inform and produce a change at the level of general knowledge and the perception of the public at large, the Project's outreach team developed information materials and conducted awareness activities. Project outreach activities aimed to increase the public's understanding about services offered to the public by the courts and the judiciary, while the Project team worked with the courts to increase the efficiency of court administration.

Thus, the Open Justice Project, together with the engaged local research company, developed a brochure and a one-page flyer with the survey findings and results, comparing 2017 and 2018 survey results. The one-pager helps specialists and the public to understand the studies' general trend — which is that persons who interacted with the judiciary in the last two years are better informed overall and have more confidence in the judiciary than the general population. The final report, the brochure and the one-pager were developed, printed and presented to the SCM in March 2019, for further evidence-based decision-making and dissemination to the public at large. Additionally, during Quarter 4 of fiscal year 2019, Open Justice developed an English version of the brochure and of the one-page flyer.

Note: Year 3 work plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's year 3.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.2. Number of citizens reached by public outreach campaigns Unit: Number	0	2,000	5,000	31,000	41,923

COMMENT: Open Justice continuously informs its partners, stakeholders, and the public at large, on various topics relevant to the Project's main areas of activities and cross-cutting issues. So far, from the Project's start, a total of 41,923 persons have been informed via different information material and activities. Of those, 14,078 people were informed via the thematic website www.justitiatransparenta.md, 14,251 people via social media channels, and 994 people via various public outreach events. The Project also delivered to every court location in Moldova, including main and secondary premises a total of 12,600 printed materials, such as brochures, posters and flyers about the ICMS and E-File as well as court users rights. The actual value of this indicator exceeds the Year 2 and the end-of-project target, and increases significantly from one reporting period to another, since Open Justice is very active on its social media pages and on its thematic justice webpage. This produces a great deal of content that informs increasingly more people each quarter.

During the Quarter 3 of fiscal year 2019, Open Justice informed 12,356 persons via all means of communication with the public. Of these 12,356 persons, 6,332 persons visited the Project's webpage and 2,306 persons engaged on Open Justice's social media channels (1,181 persons on Facebook and 1,125 persons on Twitter, YouTube, Instagram, LinkedIn and Vkontakte combined). The Project also delivered to every court location in Moldova, including main and secondary premises 3,718 printed materials such as brochures, posters and flyers about the ICMS and E-File as well as court users rights.

Between April 1, 2019 - June, 30, 2019, the Project produced two written explanatory articles, two explanatory interviews and two videos on such subjects as the ICMS, judicial performance evaluation, disciplinary liability and judicial ethics. The most popular material published was the interview with Judge Sternioala, Chair of the Judges' Performance Evaluation Board, describing the role of the Judges' Performance Evaluation Board and the existing mechanisms of assessing judges' performance, which was read 5,992 times (5,236 times on the Project's thematic webpage and 756 times on the Project's social media pages).

The second most read piece was the animated video spot about the benefits of the new ICMS, which was viewed a total of 791 times (90 times on the Project's thematic webpage and 701 times on the Project's social media pages).

The third most popular piece published by Open Justice was an interview with Judge Nadejda Toma, the Chair of the Disciplinary Board, describing the existing mechanism for disciplinary action of judges and about their cooperation with the Judicial Inspection. The interview was read a total of 636 times (312 times on the Project's thematic webpage and 324 times on the Project's social media pages).

During the previous reporting periods, Open Justice finalized the redesign and modernization of the webpages of the SCM, the ACA and the Courts' Web Portal and launched them. The upgraded versions of the webpages incorporate adaptive technologies for disabled persons and enable the SCM to communicate better with the public and improve their perception of the judiciary. By June 30, 2019, Open Justice launched 11 new court webpages and will support the ACA/MOJ in promoting their new webpage through the Project's webpage and social media channels. By engaging the public and improving the quality and availability of judicial information, the new ACA webpage will promote increased transparency and accountability of justice sector actors.

During the Quarter 3 of fiscal year 2019, the company produced two articles, two video-interviews and published them on relevant local TV media and social media channels.

In addition, to build the public's understanding of the new court system, the services that will be made available, and the rights of citizens as court users, and as part of the IFCE implementation, Open Justice developed the Concept of Court Community Outreach Centers. The four appellate courts piloted the community outreach centers from August 2018 to December 2018, improving the capacity of the courts to engage with the public and the media, enhancing the skills of the courts' public relations offices, and providing up-to-date and useful information at their request. Throughout the reporting period, two of the four Community Outreach Centers of the Appellate Courts continued to provide significant informational assistance to the court users and answered 1,794 information requests.

Open Justice contracted a local company to deliver 3,718 posters and flyers with information about the benefits of the e-File service to the Moldovan courts. The framed posters and flyers were displayed in courts, so that the information on the e-File is accessible to the public. The company delivered all informational materials to 25 Moldovan courts, including all Appellate Courts and the Supreme Court of Justice. Similarly, in October – December 2018, Open Justice delivered to all Moldovan courts 1,050 posters on the benefits of the ICMS.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.3. Increase in number of positive or neutral media reports, reflecting MOJ/ACA and SCM activity Unit: Number, Percentage	120	>10%	>20%	n/a	538% (645 media reports)

COMMENT: During the Project's implementation period, a total of 645 positive and neutral media reports were published, which represent a striking increase of 538%, compared to the baseline.

Out of 645 media neutral and positive media reports, 132 media materials were published during Quarter 3 of fiscal year 2019. Generally, during the entire period of the Project implementation, the most-reported theme in the media was on the selection and promotion of judges. Other most publicized topics were about the CRO reform, judges' salaries, court budgeting, court premises, and access to court decisions.

During Quarter 3 of Project implementation, the elected members of the Parliament finally formed a ruling coalition and appointed a new government. These major political changes were followed by important events in the judiciary. Thus, starting June 2019, the most publicized topics reflecting the judiciary activity were related to dismissals in the SCM, Chisinau District Court and Supreme Court of Justice, the necessity to ensure an independent justice, removing corrupt individuals from the judiciary, and genuine justice reform and restoration of the population's trust in the state institutions. During Quarter 3 of fiscal year 2019, mass media also published articles about the new ICMS and the use of teleconferencing system for remote trial participation of inmates. The ICMS and CRO topics were reflected mostly in a neutral and positive manner.

On the other hand, during Quarter 3 of fiscal year 2019, the Project identified over 120 articles in which the media criticized various aspects of judicial reform, especially with regard to judges' integrity at all levels, selection, conduct of hearings and the reasoning behind judicial promotions, as well as on integrity and ethical violations reported during the most recent parliamentary elections. Most of the negative articles concerned the electoral candidates' and judges' integrity, their official remuneration, the courts' workload and backlogs and the cases of political resonance. As Moldova passed through a turbulent Parliamentary election and post-election period, articles targeting anti-corruption subjects increased.

The increased interest of the media in the topics related to the judiciary can be explained by the fact that transparency in the judicial system continues to be associated with fairness in the selection and promotion of judges, and thus the media has shown an increased interest in this topic. Also, the overall number of published media reports during fiscal year 2019 is largely due to the active interest of mass media in the reorganization and optimization of courts and court automation, the parliamentary election, government appointment and the effect of these political changes on the judiciary, sound dismissals of judicial leadership, court decisions in political cases, and anticipated important reforms in the judiciary. It should be noted that this reported increase of 538%, compared to the baseline, also reflects the Open Justice team's thorough monitoring of the mainstream media and press.

During Quarter 3 of fiscal year 2019, Open Justice continued to dedicate special efforts to inform the general public, journalists and court users about topics related to project focus areas (ICMS, random distribution, court reorganization, judges' promotion, etc.), so that the materials developed by the traditional and online media will reflect the facts in a professional and correct manner.

Note: Year 3 work plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's Year 3.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.4. Proportion of SCM sessions archived out of the total sessions live streamed Unit: Percentage	0	100%	100%	n/a	100%
<p>COMMENT: The SCM holds weekly meetings during which SCM members discuss and adopt decisions on various issues pertaining to the daily activities of the courts, court administration, and judicial appointment and promotion, as well as issue decisions on requests submitted by various agencies. Since 2013, the SCM live streams its weekly meetings, so that any interested party can watch the meetings in real time. Live streaming of SCM meetings has significantly increased the transparency of the SCM's activity compared to past practices, when very few people could observe the meetings remotely.</p> <p>In May 2018, with the Project's assistance, the SCM created a public archive of its live streamed meetings and placed them on the current SCM webpage, thus increasing the level of accessibility of the SCM sessions to the public. Further, all SCM working sessions, live streamed in video and audio format, were downloaded from the server and posted on the SCM webpage for public access. During April 1- June 30, 2019, a total of six sessions were broadcast and made available on the current SCM website (http://csm.md/files/wArhivaSedintelor/arhivacsm.html).</p> <p>The newly appointed Prime Minister Maia Sandu attended one of the SCM's live-streamed meetings, held on June 25, 2019. During the meeting, Ms. Sandu asked the SCM to clean the judicial system of the corrupt judges.</p> <p>*Note: Year 3 work plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this indicator during the Project's Year 3.</p>					

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.5. Number of pilot courts using audio and video equipment to accommodate court users who are unable to attend a court hearing or sessions Unit: Number	0	1	2	n/a	5

COMMENT: The Open Justice Project is supporting the SCM and ACA/MOJ to enhance the courts' technical capacities to offer better services to the public, including ensuring remote participation in hearings and sessions for defendants who are in custody. For this purpose, in January 2018, Open Justice completed the installation of 21 sets of videoconferencing equipment, comprising 40 TV screens, 20 computers, and 80 video cameras, in all Moldovan courts and the SCM. The videoconferencing equipment will also contribute to facilitating the court reorganization reform by improving communication between the courts and the SCM, which has been a major challenge within the court reorganization process.

At the Project's request, the SCM adopted Decision No. 829/36 dated December 12, 2017 designating two courts, the Soroca District Court and the Balti Appellate Court, as pilot courts for testing and launching the videoconferencing system. The piloting of the video recording system for court hearings took place from April 2018 through May 2018. The pilot aimed at assessing the technical functionality of the video recording system, identifying the perceptions of court employees and case parties, and determining its potential use in other courts. Based on the analysis of the collected data, the Open Justice Project prepared a report for the SCM and ACA/ MOJ. In October 2018, Open Justice met with representatives of the SCM and ACA/MOJ to present the report on the use of the videoconferencing equipment for video recording of court hearings in the Balti Appellate Court and Soroca District Court. The report contains conclusions and recommendations about the use of the video recording of trials in the Moldovan courts in the future. Based on the report and the discussions, the SCM and ACA/MOJ will have to decide how and to what extent they would like to implement the video recording of hearings in other courts, depending on the available budgetary resources and IT capacities to handle and store the video files.

During the fiscal year 2018, Open Justice facilitated 14 videoconferences organized in the piloting courts, the Balti Court of Appeal and Soroca District Court, as well as in the Chisinau, Comrat, and Cahul Courts of Appeal. The discussions focused on issues related to the registration of bankruptcy cases, IFCE institutionalization, implementation of judicial reforms, and general court administration. During Quarter 2 of fiscal year 2019, the Comrat Court of Appeal organized one videoconference with the Balti Court of Appeal and a second videoconference with the Open Justice staff to discuss the final presentation of the Comrat Court of Appeal at the IFCE Conference held on January 25, 2019. During the reporting period, the Balti, Comrat and Cahul Appellate courts organized one videoconference in order to discuss the implementation of the new ICMS in the pilot courts from

their circuit. In addition, two videoconferences were organized by the Anenii Noi District Court on general court administration issues.

During fiscal year 2018, the NPA purchased two sets of videoconferencing equipment and installed the equipment in the Branesti and Taraclia prisons. On June 12, 2018, Open Justice submitted an official request to the SCM to propose a three-month pilot of the videoconferencing equipment to ensure the remote participation of inmates from Branesti and Taraclia penitentiaries in court hearings in the following courts: Cahul District Court, Orhei District Court, Cahul Court of Appeal, Chisinau Court of Appeal, and the Supreme Court of Justice. The SCM approved Open Justice's request on July 3, 2018 by its Decision No. 322/16. Further, Open Justice assisted the NPA to fulfill all technical requirements necessary to interconnect the selected pilot penitentiaries to the pilot courts and helped with testing the connection in August 2018.

During August and September 2018, Open Justice assisted the ACA/MOJ, NPA, and SCM develop and submit for the SCM and MOJ's approval the draft *Regulation on piloting a videoconferencing system for the remote participation of inmates in court hearings*. The SCM approved the Regulation on October 2, 2018. The Project also collaborated with the NPA to refine the logistical arrangements to make remote trial participation of inmates by video possible.

The actual piloting of the teleconferencing system for the remote trial participation of inmates in November-February 2019 involved three courts (Orhei District Court, Cahul District Court and Cahul Appellate Court) and two penitentiaries (Branesti and Taraclia). Chisinau Appellate Court and the Supreme Court of Justice did not participate in the piloting of the videoconferencing system because these courts did not have hearings with the participation of prisoners from the penitentiaries of Branesti and Taraclia during the piloting period. Thus, throughout November 7, 2018 to December 14, 2019, piloting courts conducted 77 hearings with penitentiaries using the videoconferencing equipment.

NPA purchased and installed 15 additional sets of the teleconferencing system for the Moldovan penitentiaries in late December 2018. Thus, during the Quarter 2 of fiscal year 2019, the Chisinau Appellate Court, the Cahul Appellate Court and the Cahul, and Orhei District Courts conducted a total of 96 court hearings between their courts and the penitentiaries.

After a highly positive evaluation of the initial piloting, the ACA/MOJ and the SCM developed a draft *Regulation on the use of teleconferencing in penitentiaries and courts* (http://www.justice.gov.md/public/files/publication/Regulament_teleconferinta.pdf) in order to expand the use of the videoconferencing equipment in courts and penitentiaries across the country. The draft Regulation includes provisions related to management and use of the system, technical rules for conducting the remote trial participation of inmates and statistical evidence of remote court sessions, in the matters described in Articles 469, 473¹ and 473² of the Criminal Procedure Code.

During Quarter 3, of fiscal year 2019, the pilot courts from Chisinau Court of Appeal, and Orhei and Cahul District Courts continued to use the teleconferencing system to carry out a total of 429 hearings for the remote trial participation of inmates. The Cahul Court of Appeal informed Open Justice via an official letter that throughout April 1, 2019-June 30, 2019, there were no request from inmates regarding matters described in Articles 469, 473¹ and 473² of the Criminal Procedure Code, so that the court did not use the teleconferencing system during this period.

In addition, the Comrat Court of Appeal and the Edinet District Court started to use the teleconferencing system for the remote participation of inmates in court hearings. Thus, during Quarter 3 of fiscal year 2019, these two additional courts conducted a total of nine hearings with penitentiaries, using the videoconferencing equipment.

The use of the videoconferencing solution for inmates across the country will result in significant cost savings and will help avoid trial delays and postponements resulting from the need to transport inmates to remote, secondary court locations. However, the optimization of the penitentiary institutions' interaction with the courts depends on pro-active partnerships between the SCM, the NPA and the ACA/MOJ, and increased funding in order to equip at least six additional district courts with the teleconferencing system. Also, penitentiary personnel and court staff must be properly trained to use the system.

Note: The Project was not be able to ensure the use of videoconferencing equipment for the remote participation of all court users (except for inmates from penitentiaries). For that to happen, the legal framework must be revised and amended by the Parliament, and premises outside the courts (e.g. hospitals) must be equipped with videoconferencing equipment, which is not within the Open Justice Project's scope of work. Year 3 work plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this Indicator during the Project's Year 3.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.3.6. Number of court decisions and rulings of the Chisinau District Court for the years 1973-2009 digitized and searchable online (except for domestic violence, sexual assault and other cases containing sensitive information)	0	97,000	689,000	n/a	740,824
Unit: Number					

Comment: In February 2018, USAID requested that Open Justice add an additional activity to its scope of work comprising the digitization of court decisions and rulings of the Chisinau District Court. At Open Justice's request, in March 2018, USAID approved a new indicator related to the digitization process of court case files in the Chisinau District Court, which is now included in the MELP.

Open Justice signed a contract with the IT company Andmevara to digitize the judicial decisions from the District Court of Chisinau from 1965 to 2009. By April 2019 Andmevara SRL completed

the digitization process by digitizing a total of 740,824 decisions and rulings, amounting to 2,278,197 million pages.

In April 2018, Andmevara completed the pilot phase and wrote a report containing the findings from the pilot and identified areas that must be tackled with the Chisinau District Court, the SCM and the MOJ to ensure the sustainable and secured use of the digitized decisions by end users. Open Justice reviewed the report and discussed the findings with the Chisinau District Court, the SCM and the MOJ on June 6, 2018.

During Quarter 1 of fiscal year 2019, Open Justice facilitated several discussions on digitization with representatives of the MOJ/ACA, the SCM, the Supreme Court of Justice, Chisinau District Court and USAID. The discussions were focused on the following topics: access rights to the digitized archive, anonymization of court decisions, and server space necessary for storing the archive. In addition, on November 8, 2018, Open Justice submitted a written request to the MOJ regarding the storage of the Chisinau Court's digitized archive on the SITCS servers and ensuring public online access to the archive. The MOJ communicated its position, by a letter of December 7, 2018, stating that there are no legal grounds to host the digitized archive on SITCS' server and ensure public access to court decisions issued prior to 2008. As a result, during December 2018, Open Justice suggested placing the archive on a server that will be managed by the Chisinau District Court. However, this approach resulted in limiting online access to the archive to the internal network used by the staff of the Chisinau District Court. The SCM confirmed the purchase of a server for the Digitized Archive of the Chisinau District Court during calendar year 2019. To develop the connection between the digitized archive and the ICMS (as provided in the Andmevara contract), Open Justice temporarily hosted the archive on a computer at the Chisinau District Court, until the archive can be transferred onto a dedicated SCM's server.

During the Quarter 3 of fiscal year 2019, Andmevara worked on the integration of the archive with the ICMS (via web-services). Andmevara also developed and tested a new application – the *Archive Information System* that enables the staff from the Chisinau District Court to browse, search, retrieve and view the digitized content by key words and various filters.

In April 2019, Open Justice discussed with the representatives of Andmevara the access rights and technical issues related to the web application developed for accessing the digital archive of the Chisinau District Court. In late April 2019, Open Justice tested the Web Application that was developed to access the archive. Open Justice received also from Andmevara the users' guide, the administrator's guide, the technical documentation regarding a possible connection between the archive and third-party systems and a warranty letter that will ensure that Andmevara will connect the temporarily hosted digitized archive (on a computer of the Chisinau Court) with the new ICMS towards the end of the Project or beyond the Project's life, when the SCM will purchase a server dedicated for the digitized archive. On April 20, 2019, Andmevara SRL has entered into the warranty phase, which will be completed on April 20th, 2020.

The digitization of court judgments increases the transparency of the Moldovan judicial system. It will also reduce the costs of storing archives, enhance the security of information, ensure greater uniformity in applying the law, and speeds up court processes. Note: Open Justice achieved the Year 2 target set for this indicator during Quarter 2 of fiscal year 2019. Year 3 work plan includes only activities related to the ICMS development and deployment. Thus, Open Justice will not implement any activities related to this Indicator.

Performance Indicator	BL	Project Year 1 Target (May 14, 2018)	Project Year 2 Target (May 14, 2019)	End of Program Target (September 30, 2019)	June 30, 2019 Actual
2.4.1. Proportion of female panel speakers and female general participants in Project program-assisted activities, initiatives, and events Unit: Percentage	0	Female panel speakers – 15% Female participants – 45%	Female panel speakers – 25% Female participants – 55%	Female panel speakers – 25% Female participants – 65%	Female panel speakers – 11% Female participants – 75%
<p>COMMENT: During Project implementation, Open Justice organized various events, such as trainings, workshops, study visits, roundtables and public lectures with the participation of women as both participants and panelists.</p> <p>Overall, from the onset of the Project, out of the total 3,684 participating specialists, 2,779 were female participants (75%) and 293 (11%) were women who played a central or important role as experts/moderators/facilitators.</p> <p>The data collected throughout the Project shows that there is a significant increase over the Project's annual target regarding the proportion of women general participants. This is largely due to the participation of women in the numerous working group meetings, public events, and training activities on topics like CMS version 4.1.4 and ICMS version 5.0, the E-File module, the videoconferencing system, CEPEJ tools, IFCE implementation in the appellate courts, personal data protection and gender in the courts that Open Justice organized and conducted for judges and court staff.</p> <p>To raise awareness about the role of women in the judiciary and increase their participation in project activities, Open Justice organized in October 2018 and November 2018, two-day trainings for a total of 43 court staff on ensuring gender equality, the fair treatment of people with special needs, and user-friendly access to courts. Of those, 38 were women (88%) and 5 were men (12%).</p> <p>Open Justice will continue to advocate for more active women's participation in Project activities, and will engage them as panelists whenever possible.</p>					

ANNEX II. QUARTERLY BUDGET ACCRUAL REPORT



Open Justice Project in Moldova
 USAID
 AID-117-TO-17-00001
 May 14, 2017 - June 30, 2019

BUDGET EXECUTION SECTION

Quarterly Report: April - June 2019								
Line Item	Contract Amount	Invoiced as of March 31, 2019	Billed Expenditures April 2019	Billed Expenditures May 2019	Billed Expenditures June 2019	Cummulative Expenditures	Balance	
	1	2	3	4	5	6=2+3+4+5	7=1-6	
Salaries and Wages	\$ 744,923	\$ 713,837.19	\$ 37,637.19	\$ 35,200.36	\$ 28,749.24	\$ 815,423.98	-\$	70,500.98
Fringe Benefits	204,854	181,621.78	8,468.37	7,920.08	6,468.58	204,478.81		375.19
Travel and Per Diem	140,901	68,269.23	5,735.07	3,341.89	-	77,346.19		63,554.81
In-Country National, Third Country National Consultants & International Consultants	373,186	171,768.72	8,273.68	9,160.34	6,298.30	195,501.04		177,684.96
Equipment and Supplies	85,817	63,334.45	532.70	462.64	250.09	64,579.88		21,237.12
Communications	14,118	8,921.92	341.14	394.31	324.80	9,982.17		4,135.83
Subcontractors	2,734,423	2,156,896.94	161,292.33	104,937.90	67,797.85	2,490,925.02		243,497.98
Other Direct Costs	249,625	192,658.60	10,362.59	7,663.74	6,542.24	217,227.17		32,397.83
Program Costs	81,222	-	-	-	-	-		81,222.00
G&A	704,561	575,407.07	36,646.99	6,245.63	-	618,299.69		86,261.31
Subtotal Contract Cost	5,333,630	4,132,715.92	269,290.06	175,326.89	116,431.10	4,693,763.97		639,866.03
II. Fixed Fee	320,018	247,377.38	16,157.40	10,519.61	6,985.87	281,040.26		38,977.74
III. Total Cost Plus Fixed Fee	\$ 5,653,648	\$ 4,380,093.30	\$ 285,447.46	\$ 185,846.50	\$ 123,416.97	\$ 4,974,804.23	\$	678,843.77

ANNEX III. PROJECT'S NEWSLETTER

NEWS BULLETIN

April – June 2019

OPEN JUSTICE PILOTS THE INTEGRATED CASE MANAGEMENT SYSTEM IN ELEVEN MOLDOVAN COURTS

In January 2019, USAID's Open Justice Project, in close cooperation with Moldovan counterparts, piloted the new Integrated Case Management System (ICMS) in three courts in southern Moldova. Between March and June 2019, the Project extended the implementation of the new ICMS to the five Northern Moldovan courts and the Supreme Court of Justice. The ICMS, an IT tool the Moldovan courts use to manage judicial cases from filing to disposition, will significantly contribute to improved court efficiency and transparency.

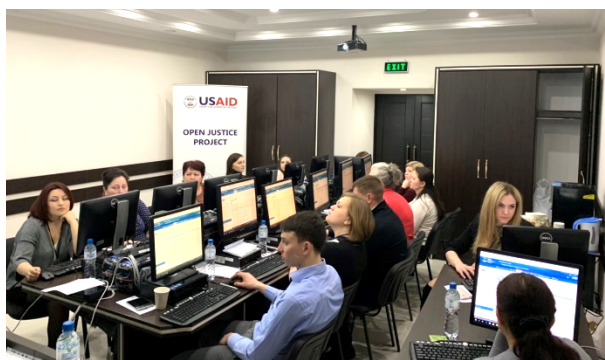
By June 30, 2019, the new ICMS was already successfully piloted in 11 of the 20 existing Moldovan courts, namely the Balti, Drochia, Edinet, Soroca, Cahul, Comrat, and Cimislia District Courts, the Balti, Comrat, and Cahul Appellate Court, and the Supreme Court of Justice.

The successful piloting and further implementation of the ICMS rests on the ability of the court staff — registrars, secretaries, judges' assistants, judges, and court presidents and vice presidents — to effectively use the new ICMS. Recognizing this, during April–June 2019, Open Justice provided training to 1,267 judges and court staff from the pilot courts on the use of the new ICMS and continues to support them through an active call-center. The Project also developed detailed user guides for court staff on the ICMS functionalities and efficient troubleshooting.

Open Justice partnered with the National Institute of Justice (NIJ) in April 2019 to deliver a series of trainings to presidents and vice presidents of Moldovan courts on how to use judicial statistics information that the new ICMS generates electronically to monitor court performance and any irregularities that come up. Open Justice also worked with the NIJ to include regular ICMS training as part of the judicial annual training curricula. Open Justice and Moldovan authorities will pilot the new ICMS in nine more courts in the Chisinau Appellate Court circuit. Thus, by September 30, 2019, all Moldovan courts will use the new ICMS.



ICMS training at the Supreme Court of Justice, May 2019



ICMS piloting at the Balti District Court, April 2019



Court staff at the National Institute of Justice learning how to use the new version of the ICMS, April 2019

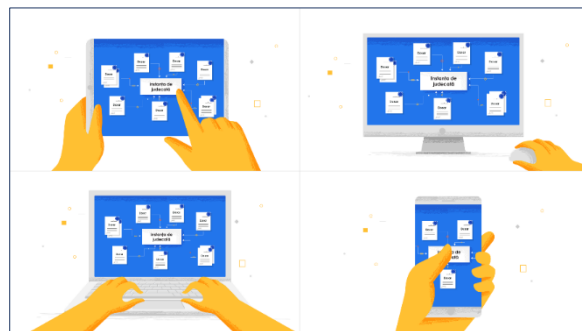
E-FILE MODULE LAUNCHED IN THE CAHUL COURT OF APPEAL AND THE CAHUL DISTRICT COURT

On April 1, 2019, Open Justice launched the piloting of the newly developed E-File Module, which allows attorneys to submit claims online. Twenty attorneys from the Cahul Bar took part in the piloting process. Open Justice made significant efforts to train all attorneys and to rapidly refine the E-file Module according to their feedback.

As part of a greater court automation process, through the E-File Module, the attorneys are able not only to submit claims online but to also upload and download documents, pay state fees, and receive real-time updates about their cases. Court staff reported that the time necessary to register cases submitted through the E-File Module has significantly decreased, which brings quicker justice to Moldovan litigants.

To date, the attorneys have successfully submitted 36 claims using the E-File Module, including through the mobile version of the system. All claims were accepted by the courts. The Project also submitted about 3,000 flyers and posters to the Moldovan courts that will be displayed

publicly in courts to inform attorneys and court goers about the benefits of the E-File Module.



The E-File Module is accessible from tablets, desktops, laptops, and cell phones

In the coming months, the Ministry of Justice will look into the possibilities of extending the implementation of the E-File Module to all Moldovan courts, so that attorneys country-wide can use this Module.

THE JUDICIAL ETHICS COMMISSION ISSUES FIRST ADVISORY OPINION ON ETHICS

On April 22, 2019, the Superior Council of Magistracy's (SCM's) Judicial Ethics Commission (JEC) issued an advisory opinion about judges' impartiality, following a written request from a judge to clarify the phrase "other persons who have close ties with his/her family" in Article 4 (4) of the Code of Ethics and Professional Conduct of Judges.

The Commission's activity shows the impact of Open Justice's efforts to develop the institutional capacity of the JEC to provide guidance on judicial ethics. Open Justice also assisted the JEC develop *ex officio* advisory opinions related to judges' *ex parte* communications, conflicts of interest and disqualification, and judges' social media activity. With these model opinions, the JEC will be able to provide the guidance needed and requested by judges in the Moldovan judiciary.

Additionally, Open Justice developed and submitted Frequently Asked Questions (FAQs) to the JEC about expected judicial conduct, which the JEC can share with all judges and also publish on its webpage. These ethics



Screenshot of the Judicial Ethics Commission/SCM' webpage where they publish the advisory opinions

advisory instruments are of practical utility and will bolster the JEC's efforts to respond to requests from Moldovan judges for guidance on ethics while also enhancing judges' understanding and knowledge of ethical norms and standards, which will help prevent unethical conduct among judges.

MOLDOVAN JUDGES TRAIN OTHER JUDGES IN THE FIELD OF JUDICIAL ETHICS

On April 4–5, 2019, the members of the SCM's JEC and 14 Moldovan judges took part in a two-day interactive training session to improve their own critical thinking skills when assessing ethical issues while also acquiring skills to train other Moldovan judges on judicial ethics in the future.

During the first day of training, the 19 participants present discussed the consequences of unethical behavior, preventive measures, the role of the JEC and court presidents in preventing unethical behavior and improving the perception of the judiciary. The participants discussed numerous case scenarios, prepared and presented by the Project's Short Term Adviser, Mr. John Fields, former Trial Court Chief Judge at the Michigan Supreme Court and former lecturer at the University of Notre Dame, who stated:

"I will be seeking to facilitate a discussion where we can share our perspectives, points of view, and just various thoughts we may have with regards to ethical issues. And we'll be seeking to do that primarily by the use of factual scenarios."

During the second day of the training, the participants discussed practical training methodologies, how to train different target groups, and the use of different training tools and mediums, such as videoconferencing. Finally, they concluded that it is essential that both the JEC and the court presidents and judges take a proactive approach in solving ethical issues through a process of requesting draft opinions and recommendations.



John Fields, training moderator, speaking to Moldovan judges about the role of the Judicial Ethics Commission



Open Justice representatives, training moderator, and trainees discuss factual scenarios about judges' unethical behavior

THE SUPERIOR COUNCIL OF MAGISTRACY RECEIVES GUIDELINES FOR WELL REASONED, MERIT-BASED JUDICIAL SELECTIONS

To meet the public's demand for a more fair and transparent process for judges' selection and promotion, Open Justice developed and submitted Guidelines to the SCM on the reasoning of the SCM decisions on judges' selection. In April 2019, Open Justice met with the representatives of the SCM and members of the SCM Secretariat to present the Guidelines and discuss their recommendations.

The Project developed the Guidelines to help the SCM improve the reasoning process of its judicial selection decisions, as the SCM was previously criticized for failing to provide a solid justification for its judicial selections. The Guidelines provide practical recommendations on

how the SCM can draft well-reasoned decisions and the resources it can use to collect information about judicial candidates. In 2018, the Ministry of Justice, with support from Open Justice, modified the legislation pertaining to the selection, promotion, and transfer of Moldovan judges within the judiciary. The SCM then amended its regulations on judicial selection to reflect the respective legislative changes. According to the new procedures, the SCM will now hold open judicial selection contests only twice a year. The next open contest for judicial appointments is scheduled for July 2019, and the SCM will use the recommendations from the Guidelines in its decision-making.

MOLDOVAN COURT DECISIONS ISSUED BEFORE 2009 ARE NOW DIGITIZED AND ACCESSIBLE TO COURT STAFF

With the Project's support, 740,824 decisions, amounting to over 2,278 million pages, from the Chisinau District Court's 1973–2009 paper archive were digitized.

Open Justice also developed a web application that connects the digitized archive with the new ICMS, so that judges and court staff from the Chisinau District Court can search and access the digitized decisions online. Open Justice will host the archive on a computer at the Chisinau Court until the archive is transferred to a dedicated server managed by the SCM.

The archive can be made accessible to the Moldovan public once the Moldovan authorities modify Law No. 133 on Personal Data Protection, which will allow the court decisions and rulings that contain personal data to be made public.

On April 8, 2019, Open Justice discussed the technicalities of a possible connection between the archive and third-



Digitization process of judicial cases issued between 1973–2009 at the Chisinau District Court

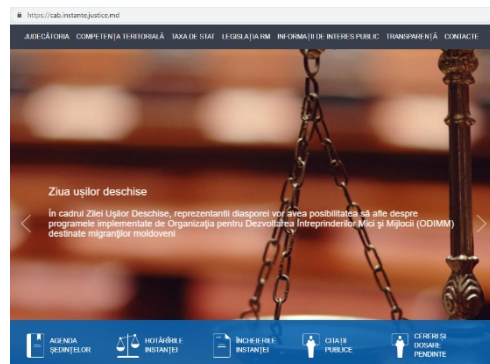
party systems with the developer, and the Project will continue to support the Moldovan Government in ensuring access to legal information, such as court rulings and decisions, thus making the court activity more transparent.

FIVE MOLDOVAN COURTS HAVE NEW AND IMPROVED WEBPAGES

In April 2019, five new upgraded court webpages — of the Balti Court of Appeal and the Balti, Drochia, Edinet, and Soroca District Courts — were launched and made accessible to the general public with Open Justice's assistance. The webpages were redesigned and upgraded for two reasons: 1) to incorporate features that make them accessible to visually and hearing impaired persons, and 2) to publish additional information that is automatically generated by the new version of the ICMS.

The new functionalities of the upgraded pages will allow information to be extracted quickly and automatically from the new ICMS that the courts now use. Court decisions, rulings, and hearings have been made available to the public through the courts' upgraded webpages.

The new user-friendly interface and the text-editing functionalities of the pages enabled the effective organization of information on court activities and allowed people with special needs (sight and hearing) to adapt the way the text is displayed according to their needs (e.g., font size, accessibility, contrast, and color saturation). As another new feature of the webpages, a text synthesizer can read all the information on the page out loud, making



A screenshot of the Balti District Court's new webpage

information about court activities accessible to users with impaired hearing. Previously, Open Justice has also supported the launch of updated webpages for the national Courts' Web Portal, the courts within the circuits of the Comrat and Cahul Courts of Appeal, the Agency for Court Administration, and the SCM. By the end of summer 2019, Open Justice intends to upgrade the webpages of all remaining Moldovan courts.



USAID
FROM THE AMERICAN PEOPLE

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DISCLAIMER

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ANNEX IV. SUCCESS STORY

SUCCESS STORY

IMPROVING COMPLIANCE WITH ETHICAL STANDARDS

USAID's Open Justice Project helped the Judicial Ethics Commission to design and implement a system for providing advisory opinions to Moldovan judges that improves compliance with ethical standards.



Open Justice expert, Victoria Henley, shares U.S. experience on Judicial Ethics



Open Justice conducts Judicial Ethics Workshop with SCM and JEC members

On April 22, 2019, the Superior Council of Magistracy's (SCM's) Judicial Ethics Commission (JEC) issued its first independent advisory opinion. The opinion was issued after a Moldovan judge requested clarification of the phrase "other persons who have close ties with his/her family" as described in Article 4 of the Judicial Code of Ethics and Professional Conduct. The judge was seeking to avoid a potential conflict of interest in a case to which he was assigned. The JEC provided a redacted version of the opinion on their website as an example for other judges who may face a similar issue.

The SCM established the JEC in April 2017 as the first judicial ethics commission in Europe. Since that time USAID's Open Justice Project has provided technical support for the JEC, whose responsibilities include issuing advisory opinions and raising awareness among judges about compliance with the ethics code. Open Justice provided two U.S. judicial ethics experts to assess and address the needs of the JEC and to provide training and capacity building. Open Justice also helped the JEC develop internal regulations, an Action Plan, and guidelines and templates for issuing advisory opinions.

This support has helped the JEC to draft judicial opinions and work with the Judicial Inspection Board (JIB) to better manage complaints. In addition to developing tools and capacity, Open Justice also conducted training for JEC members on how to educate fellow judges about expected behavior and prevent breaches. The training was led by an expert from the University of Notre Dame who designed and delivered a two-day training to improve critical thinking skills about ethical issues and to build capacity for training more judges in the future.

Open Justice's support has improved the capacity of the JEC to provide advisory opinions that help Moldovan judges comply with the ethics code and to raise awareness among judges about how to avoid ethical breaches. Judges will now be better equipped to avoid conflicts of interest, corruption, and improper behavior. This enhanced level of professional conduct will improve public perception and increase trust in the justice sector.

ANNEX V. PROJECT DELIVERABLES

OBJECTIVE 1

1. Synopsis of the Report on Archive Information System Development (Activity 2.3.1.5 – Year 2 Work Plan)
2. Report on ICMS Piloting Phase 4.1 – Cahul, Comrat, and Balti Appellate Courts' Circuit (Activity 1.2.3.5 – Year 2 Work Plan & Activity 1.2.2.5 – Year 3 Work Plan)
3. Report on Pre-deployment ICMS Training Activities Organized during April–June 2019 (Activity 1.2.4.1 – Year 2 Work Plan & Activity 1.2.3.1 – Year 3 Work Plan)
4. Report on Automatic Random Distribution of Cases in Moldovan Courts during April 2019 (Activity 1.3.1.3 – Year 2 Work Plan)
5. Report on Automatic Random Distribution of Cases in Moldovan Courts during May 2019 (Activity 1.3.1.3 – Year 2 Work Plan)

OBJECTIVE 2

6. Report on the TOT Training and Workshop for Judicial Ethics Commission Members on the Application of the Moldovan Code of Professional Ethics and Conduct by Judges (Activity 2.2.3.1 – Year 2 Work Plan)
7. FAQs for Judges on Common Ethics Dilemmas (Activity 2.2.3.3 – Year 2 Work Plan)

OBJECTIVE I

I. Synopsis of the Report on Archive Information System Development (Activity 2.3.1.5 – Year 2 Work Plan)



Synopsis of the Report on Archive Information System Development, Milestone 5

Produced for USAID's Open Justice
Project in Moldova

DIGITIZATION OF JUDICIAL DECISIONS AND RULINGS FROM THE
ARCHIVES OF THE DISTRICT COURT OF CHISINAU

1. Synopsis of the Archive Information System development report, Milestone 5

The Report on Archive Information System development covers the final phase of the project on “Digitization of Judicial Decisions and Rulings from the Archives of the District Court of Chisinau”. The Report includes the description of Archive Information System development activities and handover activities implemented from the end of March to April, 2019. On April 20, 2019, Andmevara SRL has entered into the warranty phase, which will be completed on April 20th, 2020.

Chapter 1 of the full Report outlines the main activities performed during the reporting period:

- 1) Development of the Archive Information System
- 2) Migration of scanned decisions and rulings and annotated metadata to the Archive Information System
- 3) Development of technical documentation (User’s Manual, Administrator’s Manual, Deployment Instructions)
- 4) Deployment of the Archive Information System to the hardware infrastructure of the District Court of Chisinau
- 5) Training of users of the Archive Information System

In **Chapter 2**, the Project Team included a detailed presentation of the developed Archive Information System, the system’s features, user roles, user groups, access rights and permissions. Based on the experience accumulated in previous digitization projects, the Project Team has developed the new application to correspond with the requirements for the searching and retrieval of digitized documents.

Chapter 3 presents the database structure of the Archive Information System that meets the requirements of the Chisinau Court Digitization Project related to the search and retrieval of information in high volumes of data. Chapter 3 includes visual representation of the database layers (Case file layer, Case file participant layer, Decision layer and Technical data layer) in the form of a Diagram with relevant technical explanations.

Chapter 4 provides an overview of the code structure, because the Archive Information System was developed with a multi-tier architecture: GUI (Graphical User Interface) Front-End, the Back-end API (Data API, Forms API, Tables API), Validation Layer, Authorization Layer and Database Layer. The system respects the principle of security standards, so that malicious actions and code cannot bypass the frontend validation to submit potentially destructive data.

The activities related to the migration of scanned files and annotated metadata are described in **Chapter 5**. Migration of data from the internal Production Unit to the newly configured server started on April 12th, 2019. Andmevara migrated data in small batches of 50,000 case files by using the developed migration script. Migration procedures also included a sample-based quality check of results. When errors were registered during data migration, the Project Team erased all uploaded data and all changes were rolled back. Due to high volumes of data and the complexity of the migration phase, the entire process lasted around 86 hours.

Chapter 6 includes references to developed technical documentation related to the Archive Information System, namely the User’s Guide, Administrator’s Guide and the Deployment Guide. The Project Team has also developed and delivered the Warranty procedures rules, Confidentiality requirements and the Guarantee Letter for the Warranty Period.

Chapter 7 describes the activities performed for the deployment of the Archive Information System. The Project Team has configured the workstation provided by the Open Justice Project for temporary use of the Chisinau District Court in order to deploy the Archive Information System. The Chisinau District Court will use this workstation until it purchases the necessary server. During the warranty and maintenance phase, once the new server is available, the technical experts of Andmevara SRL will configure the server, re-deploy the Archive Information System and migrate all files and metadata.

The final chapter, **Chapter 8**, covers the description of the training activities implemented during the final phase of the digitization project.

**2. Report on ICMS Piloting Phase 4.1 – Cahul, Comrat,
and Balti Appellate Courts' Circuit
(Activity 1.2.3.5 – Year 2 Work Plan &
Activity 1.2.2.5 – Year 3 Work Plan)**

AlfaSoft Agile Software Company
for
USAID || OPEN JUSTICE PROJECT

Report on ICMS Piloting – Phase 4.1-Cahul, Comrat and Balti Appellate Courts’ Circuit

Version AlfaSoft-PR-001 • July 19, 2019

**Project: Development of an Integrated Case Management System
for Moldova Justice Sector**



Document History

Description	Author	Version	Date
Initial version of document	Iurie Postica	Alfasoft-PR-001	June 07, 2019

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1. Introduction

1.1. Summary

The Report on the ICMS piloting reflects information about tasks performed by the AlfaSoft team during piloting of the ICMS and the E-File Module in district and appellate courts of the Republic of Moldova throughout January 21-May 31, 2019, and lessons learned and recommendations regarding further use of ICMS and E-File Module.

1.2. Documents reference

The Report on the ICMS piloting is based on the following documents:

- ICMS piloting requirements stated in the Open Justice’s Request for Proposals and described in the AlfaSoft’s technical proposal.
- Fixed price subcontract #02 from February 16, 2018 and Modifications No. 1-5 to the concluded subcontract.
- ICMS Project Plan.
- Decisions mutually agreed upon by the Open Justice, Project’s stakeholders and AlfaSoft team.

1.3. Objectives of ICMS piloting

The piloting stage had the following objectives:

1. To confirm the outputs of successfully performed User Acceptance Testing.
2. To receive Users’ feedback on upgraded ICMS and E-File Module functionalities.
3. To check the ICMS and E-File Module adequate functioning and conformity to functional and non-functional requirements (including performance requirements).
4. To incorporate the Users’ proposals and requests into the ICMS and E-File Module, based on mutually agreed decisions.
5. To assist Users who start using ICMS and E-File Module with technical and legal support.

By May 31, 2019, based on these objectives and Users’ feedback, AlfaSoft developed a stable version of the upgraded ICMS.

1.4. Overview

The piloting phase is a crucial stage of the ICMS development due to the following reasons:

- It reveals all the shortcomings of the developed ICMS and E- File Module, if any.
- It reveals all the shortcomings of the conducted trainings for Users. If any major shortcoming is detected, the future use of the ICMS software would be undermined.
- It requires the highest level of mobilization of all involved stakeholders.

Because of the large number of ICMS’s Users, and the complex data migration and differences between the business processes of the involved courts, the ICMS piloting was planned in several iterations according to the following schedule:

Pilot Courts	Beginning of the pilot phase
District Courts of Comrat and Cimislia & Comrat Appellate Court (6 locations)	January 1, 2019
District Court of Cahul & Cahul Appellate Court (4 locations)	March 18, 2019
District Courts of Balti, Drochia, Edinet, Soroca & Balti Appellate Court (13 locations)	April 15, 2019

In order to implement each iteration, the following pre-conditions were met:

- 1) Major ICMS functionalities were tested by the representatives of the pilot courts before going into production
- 2) The test results did not reveal major non-conformities of the developed functionalities
- 3) The feedback provided by the involved groups of Users was assessed by AlfaSoft and incorporated into the ICMS system before the full deployment
- 4) The developed User guides were available for all Users from the pilot courts
- 5) Users of pilot courts were successfully trained by Open Justice
- 6) Historical data of pilot courts were migrated successfully from the old version of the system to the upgraded ICMS and all needed items and files were moved to the new system
- 7) Access to the old ICMS was restricted
- 8) Access channels to the new ICMS were provided to Users
- 9) All User profiles for pilot courts’ staff were created, and their roles in ICMS were assigned in accordance with courts’ business rules

10) Channels for reporting issues and asking questions were available for the pilot courts’ staff.

11) The AlfaSoft team was available to receive feedback about the system and to fix the reported bugs.

One of the key preconditions for successful implementation of the piloting phase was the involvement of the Open Justice’s staff in supporting court Users during the pilot process. Thus, in the framework of each iteration, during the first two weeks of ICSM piloting, the Project’s Interns provided technical assistance and on-the-job training to the court staff from the pilot courts. The Open Justice’s Intern also answered the ICMS Users’ questions via the phone during the entire piloting period. The Open Justice’s staff channelled all Users’ requests, concerns, and suggestions (if any) for improvement of the software to the AlfaSoft and SITCS¹. In addition, Open Justice’s staff assessed the legal ground of the Users’ requests to change the ICMS functionalities, and provided recommendations to AlfaSoft on the next steps. With the Project’s assistance and guidance, AlfaSoft was able to incorporate the Users’ feedback to make the necessary technical adjustments in accordance with the relevant legal framework. Lessons learned

The ICMS piloting in 10 courts that are located in 23 premises was successful despite the complexity of this stage and large number of Users requesting changes and suggesting improvements to the new software. The following lessons were learned during the pilot stage:

- 1) The planning of Data Migration needs to be improved in order to better evaluate the complexity of the tasks to be done, the volume of data to be migrated, and the time required to accomplish the necessary tasks.
- 2) The pilot courts give different interpretations of the legal provisions from the criminal and civil procedure code and create different business rules and practices; these practice-based business rules require assessment of the relevant legal framework and additional efforts to develop a commonly accepted technical solution that may result in changing some of the ICMS functionalities.
- 3) The end-users need an increased access to support staff having knowledge of the relevant legal framework and of the court business rules in order to be able to use the new ICMS functionalities in the pilot courts. The Open Justice’s Local Interns played a crucial role in collecting the courts’ feedback and in verifying the system under real-time operating conditions.

¹ SITCS - Service for Information Technology and Cyber Security (formerly CTS)

1.5. Conclusions and recommendations

Conclusions:

After analyzing the ICMS piloting phase, it was concluded that:

- 1) The pilot of ICMS was successful. Currently, all pilot courts use the upgraded system during their daily business activities.
- 2) A large number of reported issues and concerns were caused by differences between business processes from one pilot court to another, and not by the ICMS malfunctioning.
- 3) The pilot results proved the correctness of the data migration process. Court Users of pilot institutions had no issues with accessing data and files migrated from the previous version of the system.

Recommendations:

- 1) AlfaSoft recommends to continue with implementation of the pilot system in the territorial jurisdiction of the Chisinau Appellate Court and in the Supreme Court of Justice under the same preconditions, requirements and administrative procedures as were applicable during the previous pilot iterations.
- 2) AlfaSoft recommends that Open Justice continues the assignment of Local Interns and its lawyers to pilot courts in the territorial jurisdiction of the Chisinau Appellate Court and the Supreme Court of Justice, in order to provide assistance to the end-users of the upgraded system and assess the relevance of their proposals to improve the new system.
- 3) AlfaSoft recommends that SITCS plans carefully the data migration of the courts from the territorial jurisdiction of the Chisinau Appellate Court and from the Supreme Court of Justice. The expected large volume of data for migration may cause delays of the migration process and careful time management and planning are therefore critical to achieving best results.

1.6. List of reported issues / requests for support registered during pilot process

During the pilot period, several incidents in the ICMS software were reported in the ICMS Module for incidents reporting.

The number of incidents by their statuses is included in the table below:

#	Status	Number of incidents reported during pilot stage *
1	Submitted	52
2	Reopened	16
3	In progress	13
4	Ready for testing	4
5	On Hold	8
6	Cancelled	361
7	Fixed	410
	TOTAL	864

Note: * The data corresponds to January 21-May 31, 2019 period of time.

Comments: The significant number of incidents with “Cancelled” status is caused by the following factors:

- 1) Users of pilot courts posted incidents during the pre-deployment training sessions delivered by the Open Justice team to develop their skills in using the ICMS Module for incident reporting. The posting of incidents occurs as part of the self-training process. AlfaSoft team periodically cancels such testing incidents.
- 2) The ICMS Module for incidents reporting was intensively used for internal coordination of ICMS development activities since the beginning of the Project. Using an agile development approach, AlfaSoft and Open Justice used this Module to quickly incorporate new tasks and refine processes in response to ICMS users’ requests. when incidents occurred.

Throughout January 1-May 31, 2019, as can be seen in the table below, the number of registered incidents had a downward trend despite of the increasing number of the ICMS Users.

Month	Number
January 2019	143
February 2019	102

March 2019	264
April 2019	201
May 2019	154

**3. Report on Pre-deployment ICMS Training Activities
Organized during April-June 2019
(Activity 1.2.4.1 – Year 2 Work Plan &
Activity 1.2.3.1 – Year 3 Work Plan)**



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REPORT

ON THE TRAINING ACTIVITIES ON THE USE OF THE INTEGRATED CASE MANAGEMENT SYSTEM (ICMS 5.0)

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

June 30, 2019

DISCLAIMER

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REPORT ON THE TRAINING ACTIVITIES ON THE USE OF THE INTEGRATED CASE MANAGEMENT SYSTEM (ICMS 5.0)

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

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INTRODUCTION

Millennium DPI Partners, LLC, an international development firm based in the United States of America, is implementing the USAID-funded Open Justice Project in Moldova. Open Justice is assisting the Government of Moldova to improve the efficiency and transparency of the Moldovan judicial system and improve access to justice for citizens of Moldova. This report describes the training activities carried out as part of the Open Justice Project's efforts to develop court employees' capacity to handle cases through the new Integrated Case Management System (ICMS Version 5.0).

Throughout April-June 2019, the Open Justice Project delivered a total of 59 trainings on the use of the ICMS, Version 5.0. for 1,267 representatives of Moldovan courts, including judges, chiefs of secretariats, judicial assistants, chiefs of directorates and divisions, and specialists from Procedural Tracking and Documentation Divisions (PTDDs).

METHODS

The trainings took place in the training centres on the premises of the courts, the National Institute of Justice and the training room facility at the State University of Moldova, outfitted for computer-based practical exercises. During the trainings, the participants received detailed information about the functionalities added to the new Version 5.0 of the ICMS.

The Open Justice Project's representatives Mihai Grosu, Veronica Mocanu and the Project's interns used interactive methods, such as a mock registration and exercises related to automated assignment of claims and cases, and other procedural actions that are part of the new version of the ICMS.

DATES

Open Justice organized the trainings on the following dates:

No.	Training period	Number of training days	Title of training activity	Location
1.	April 01 – 05, 2019	5	Use of the Integrated Case Management System (ICMS 5.0)	Balti Court of Appeal
2.	April 01 – 05, 2019	5	Use of the Integrated Case Management System (ICMS 5.0)	Balti District Court
3.	April 01 – 12, 2019	10	Use of the Integrated Case Management System (ICMS 5.0)	Drochia District Court
4.	April 01 – 12, 2019	10	Use of the Integrated Case Management System (ICMS 5.0)	Edinet District Court
5.	April 04 – 12, 2019	7	Use of the Integrated Case Management System (ICMS 5.0)	Soroca District Court
6.	April 2 – 3, 2019	2	Use of the Integrated Case Management System (ICMS 5.0)	National Institute of Justice

No.	Training period	Number of training days	Title of training activity	Location
7.	April 4 – 5, 2019	2	Use of the Integrated Case Management System (ICMS 5.0)	National Institute of Justice
8.	April 10 – 11, 2019	2	Workshop on time management and quality of judicial services	National Institute of Justice
9.	April 12, 2019	1	Workshop on Collection, analysis and use of judicial statistics	National Institute of Justice
10.	May 20 – 24, 2019	5	Use of the Integrated Case Management System (ICMS 5.0)	Supreme Court of Justice
11.	June 17 - 27, 2019	9	Use of the Integrated Case Management System (ICMS 5.0)	National Institute of Justice
12.	June 17 - 28, 2019	10	Use of the Integrated Case Management System (ICMS 5.0)	Chisinau Court of Appeal
13.	June 21 - 28, 2019	6	Use of the Integrated Case Management System (ICMS 5.0)	State University of Moldova

PARTICIPANTS

A total of 1,267 participants were trained, including judges, judicial assistants, court clerks and PTDD specialists from courts.

SPEAKERS/TRAINERS

- Mihai Grosu, Objective I Key Expert, Open Justice Project;
- Veronica Mocanu, Objective I, Staff Attorney, Open Justice Project;
- Marin Chihai, Intern, Open Justice Project;
- Valeria Ursu, Intern, Open Justice Project;
- Gabriel Mițăblîndă, Intern, Open Justice Project;
- Anastasia Donica, Intern, Open Justice Project;
- Vlada Martin, Intern, Open Justice Project.

The agenda, the training materials, photos from the trainings are attached as Annexes 1-3 to this report.

REPORT

REPORT ON THE TRAINING ACTIVITIES ON THE USE OF THE INTEGRATED CASE MANAGEMENT SYSTEM (ICMS 5.0)

The 59 trainings held at the courts' training centres and the training rooms at the National Institute of Justice and the State University of Moldova were developed by Open Justice to present Version 5.0 of the ICMS, which is a modern, complex system that will replace the current Case Management System (CMS). The trainings were tailored to the beneficiaries needs and presented detailed information about changes introduced through the new functionalities of the software.

The trainings focused on the following main topics:

- General description of the ICMS, and its menus;
- General principles of system operation;
- Search engine of the software;
- How to create an electronic case file in the system;
- Court management module;
- Notifications module;
- Calendar and scheduling module;
- Case transfer module;
- Templates management module;
- Archiving module;
- Publishing module (including anonymization of personal data).

The new ICMS includes all functionalities contained in the Version 4.1.4 of the CMS. Additionally, the new ICMS includes the following essential functionalities and improvements:

- ICMS is built on a modern technological platform;
- ICMS includes logical flows for examination of each casefile;
- The system is integrated with modern government e-services (M-Pass, M-Sign, M-Notify, M-Log, M-Pay);
- ICMS has an increased security level;
- The system is integrated with the M-Connect Government Interoperability Platform;
- The system is integrated with the E-File Module, which will allow case parties and lawyers to electronically submit procedural documents to courts and to observe the progress of the court proceedings.

The trainers used Power Point presentations and handed out the User Guide about Version 5.0 of the ICMS.

The functionalities developed in the new version of the ICMS version 5.0 contribute to the improvement of the court file management in courts through the following improvements:

- The system improves the judiciary's administration, increases transparency and public access to justice;
- The ICMS automates the current manual work in courts;
- The software removes duplication of data and facilitates the work of the court staff;
- The system establishes an efficient system for the judiciary's statistical reporting;
- ICMS ensures electronic record keeping of data in courts;
- ICMS facilitates the data sharing between various institutions of the judiciary;
- The system automates the secretarial work in courts.

At the end of each session, the participants could ask questions and receive detailed answers on how to use the new functionalities programmed into ICMS, Version 5.0.

FINAL CONCLUSIONS

During the organized trainings, Moldovan court personnel acquired knowledge on the use of the new ICMS and were informed about the advantages of the upgraded software features for the administration of court activities and casefiles processing.

By using the new software, which is designed to serve the needs of the courts staff and court users, the trained court employees will be able to contribute to a more efficient, automated, and higher quality court system.

The participants were encouraged to share the knowledge acquired at the trainings with their colleagues. At the end of the trainings, the beneficiaries asked for additional trainings in the courts after completion of the piloting period of the new ICMS.

ANNEX I. AGENDA

REPORT ON THE TRAINING ACTIVITIES ORGANIZED ON THE USE OF THE INTEGRATED CASE MANAGEMENT SYSTEM (ICMS)

AGENDA

Participants: Chiefs of the Secretariat / Chiefs of the Documents Tracking Division
 /Judicial Assistants / Court Clerks / Judges

Organizer: Open Justice Project

Participants: Courts staff – First Group of Trainees

08:00 – 10:30	<p>General description of the ICMS and of its functionalities</p> <p>General rules of system operation:</p> <ul style="list-style-type: none"> • Logs, menus, search engine, users' roles, court case, case number, connection to files from the same pending case in a different court. <p>Search engine within the system sections:</p> <ul style="list-style-type: none"> • Court proceedings initiation • Casefiles • Lists <p>Archiving Module:</p> <ul style="list-style-type: none"> • Applications to court • Case files <p><u>DISTRICT COURT</u></p> <p>Actions to start the proceedings:</p> <ul style="list-style-type: none"> • <u>Civil proceedings:</u> <ul style="list-style-type: none"> ○ Filing a law suit (general data, incompatible judges, participants, court fees and payments, documents, measures to secure the court action, case assignment). ○ Case registration • <u>Penal proceedings:</u> claims registration/ bill of indictment. • <u>Contravention proceedings.</u> Minutes record / record of the appeals. <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
10:30 – 10:45	Coffee Break

10:45 – 12:00	<p><u>DISTRICT COURT</u></p> <p>How to start a court action:</p> <ul style="list-style-type: none"> • Special court procedures: <ul style="list-style-type: none"> ○ Insolvency cases ○ Retrial cases ○ Review of the case file <p>Casefiles:</p> <ul style="list-style-type: none"> • <u>Casefiles documents (civil, penal and contravention cases):</u> General Data, Trial participants, Documents, Measures to secure the action, Payments, Summary of the case, Court sessions, Judicial documents, Statistical Fiche. • <u>Audit:</u> Case distribution, Judicial incompatibility, Judge's team, Status of the file, Actions, Notifications. • <u>Procedural actions:</u> <ul style="list-style-type: none"> ○ Court remedies (Case registration and case transmission to the hierarchically superior court) ○ Other actions (Recusal of judges/ abstention of judges, conflict of jurisdiction, case transfer) <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
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Participants: Courts staff – 2nd Group of Trainees

13:00 – 15:00	<p>General description of the ICMS and of its functionalities</p> <p>General rules of system operation:</p> <ul style="list-style-type: none"> • Logs, menus, search engine, users 'roles, court case, case number, connection to files from the same pending case in a different court. <p>Case files:</p> <ul style="list-style-type: none"> • <u>Case files documents (civil, penal and contravention cases):</u> General Data, Trial Participants, Documents, Measures to secure the action, Payments, Summary of the case, Court sessions, Judicial documents, Courts' solutions. • <u>Procedural actions:</u> Cases on hold, Recusal of judges/ abstention of judges, conflict of jurisdiction, case transfer • <u>Requests for access to the file</u> • <u>Audit:</u> Case distribution, Judicial incompatibility, Judge's team, status of the file, Actions, Notifications. <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
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15:00 – 15:15	Coffee Break
15:15 – 17:00	<p>Lists:</p> <ul style="list-style-type: none"> • Cases: Claims to court, Casefile examined by a district court, Casefile examined by the appellate court, Notice of Appeal to the Supreme Court of Justice, Casefile examined by the Supreme Court of Justice • Recusal of judges/ abstention of judges: Requests, case files. <p>Anonymization of court decisions and publishing:</p> <ul style="list-style-type: none"> • Requests (Court orders) • Files (Court decisions and orders) <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>

Training session II

Participants: Courts staff – 3rd Group of Trainees

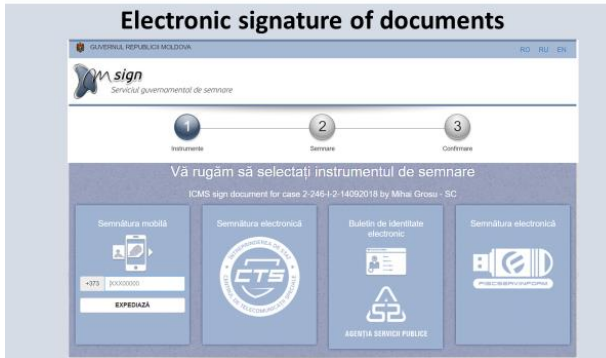
08:00 – 10:30	<p>General description of the ICMS and of its functionalities</p> <p>General rules of system operation:</p> <ul style="list-style-type: none"> • Logs, menus, search engine, users' roles, court case, case number, connection to files from the same pending case in a different court. <p><u>DISTRICT COURT</u></p> <p>Actions to start the proceedings:</p> <ul style="list-style-type: none"> • Civil proceedings: <ul style="list-style-type: none"> ○ Filing a law suit (general data, incompatible judges, participants, court fees and payments, documents, measures to secure the court action, case assignment). ○ Case registration <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
10:30 – 10:45	Coffee break

10:45 – 12:00	<p>Casefiles:</p> <ul style="list-style-type: none"> • <u>Casefiles documents (civil, penal and contravention cases):</u> General Data, Trial participants, Documents, Measures to secure the action, Payments, Summary of the case, Court sessions, Judicial documents, Statistical Fiche. • <u>Audit:</u> Case distribution, Judicial incompatibility, Judge's team, status of the file, Actions, Notifications. • <u>Procedural actions:</u> <ul style="list-style-type: none"> ○ Court remedies (Case registration and case transmission to the hierarchically superior court) ○ Other actions (Recusal of judges/ abstention of judges, conflict of jurisdiction, case transfer) <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
12:00 – 13:00	Lunch
13:00 – 15:00	<p>Specific actions of courts:</p> <ul style="list-style-type: none"> • Planning court sessions • Generate the list of court sessions • Generate the standardized court letters <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>
15:00 – 15:15	Coffee Break
15:15 – 17:00	<p>Specific actions of courts</p> <ul style="list-style-type: none"> • Generate summons • Registration of court hearings in the SRS Femida • Generate minutes of the court sessions <p>Practical tasks performed in a simulated environment in ICMS Q & A session</p>

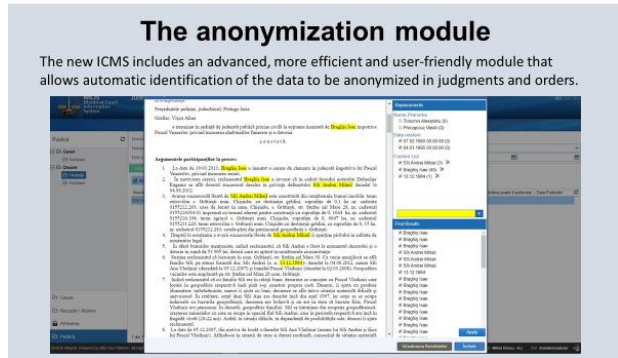
Page 9



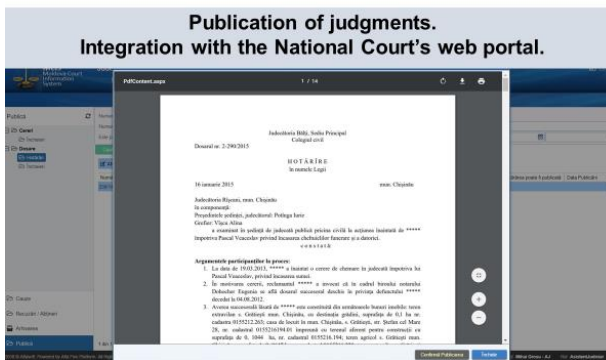
Open Justice Project



Open Justice Project



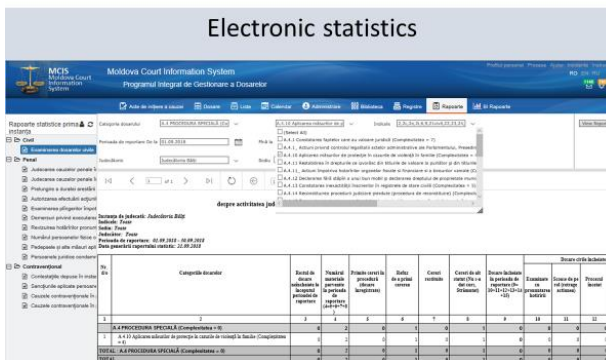
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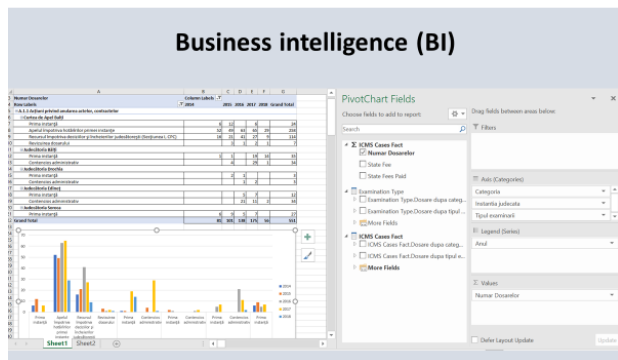
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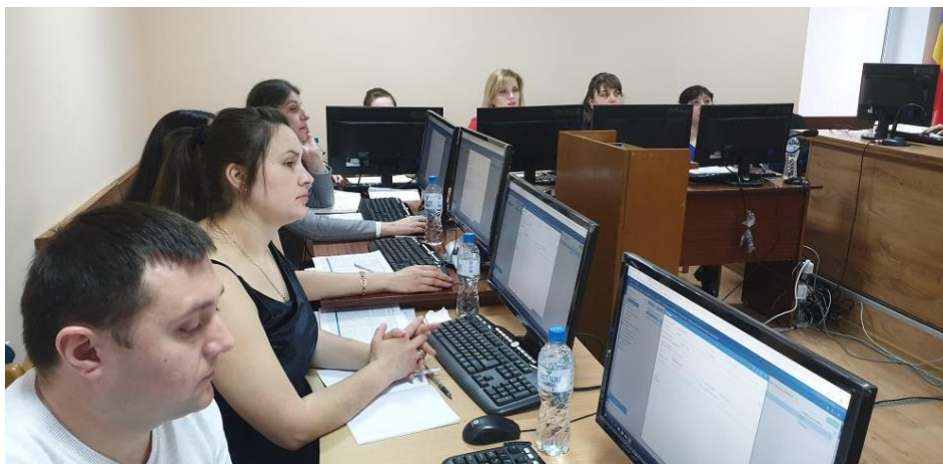
Open Justice Project



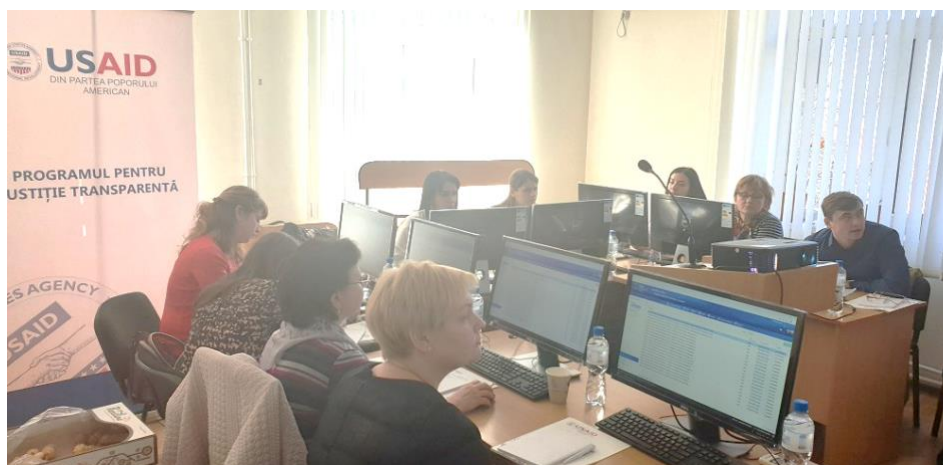
Open Justice Project



ANNEX 3. PHOTOS



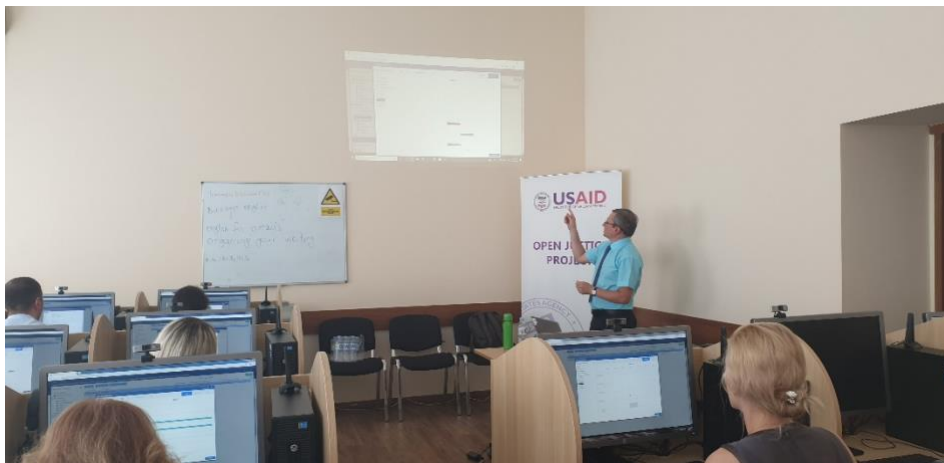
April 1, 2019 – Training at Drochia District Court



April 2, 2019 - Training at Edinet District Court



May 24, 2019 - Training at Supreme Court of Justice



June 18, 2019 - Training at National Institute of Justice

**4. Report on Automatic Random Distribution of Cases
in Moldovan Courts during April 2019
(Activity 1.3.1.3 – Year 2 Work Plan)**



USAID
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REPORT

ON THE AUTOMATIC RANDOM CASE DISTRIBUTION IN MOLDOVAN COURTS FOR THE PERIOD OF APRIL 1–30, 2019

**USAID'S OPEN JUSTICE PROJECT
IN MOLDOVA**

April 30, 2019

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REPORT ON THE AUTOMATIC RANDOM CASE DISTRIBUTION IN MOLDOVAN COURTS FOR THE PERIOD OF APRIL 1–30, 2019

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

Prepared by: Cristina Malai, COP
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Contract: AID-OAA-I-13-00029
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INTRODUCTION

Millennium DPI Partners, LLC, an international development firm based in the United States of America, is implementing the USAID-funded Open Justice Project in Moldova. Open Justice is assisting the Government of Moldova to improve the efficiency and transparency of the Moldovan judicial system and improve access to justice for citizens of Moldova.

Open Justice Project aims to build the capacity of the Superior Council of Magistracy (SCM) and the Agency for Court Administration (ACA) and Ministry of Justice (MOJ) to collect and analyze statistics on the justice system regarding its activity and the ability to generate and refine court performance standards, use data for budget and personnel planning, and integrate other functions required for effective, transparent, and efficient court administration. One of the key activities performed in line with that objective is the regular monitoring and follow-up on alleged manipulations in the Case Management System (CMS) and the Integrated Case Management System (ICMS) random case distribution process, as well as reporting to the SCM and ACA about the revealed irregularities, in line with the Open Justice Project Year 2 Work Plan, sub-activity 1.3.1.3.

Since November 2013 the monitoring of case distribution by means of the ICMS takes place monthly. From this, monthly reports are submitted to the SCM and the ACA. This is the sixty-fifth monitoring report on random case distribution covering the period of **April 1-30, 2019**. The data for this report is accessed by the Open Justice Program with the assistance of the Service for Information Technology and Cyber Security (SITCS, former CTS). The report is available to the public and is published on the web page of the ACA.

The random assignment of cases by means of ICMS during the period of April 1-30, 2019, has the following percentage distribution:

- **82.65 %** of the total number of incoming cases were automatically randomly distributed one time,
- **14.68 %** of cases were automatically randomly distributed twice,
- **2.15 %** of cases were automatically randomly distributed three times,
- **0.52 %** of cases were automatically randomly distributed four or more times.

Although the data on random distribution is generally positive, ICMS indicates that some courts (listed in Tables 1 and 2 below) have used the options for blocking judges¹ and marking them as “disqualified”² on many occasions, compared to the number of active judges. Judges from both categories were not eligible for random case distribution by means of ICMS.

¹ The Regulation on random distribution of cases in courts, approved by the Decision of the SCM, No. 110/5, from 5 February 2013 stipulates that a judge shall be blocked from random case distribution if he is temporarily transferred to another court or is suspended from performing his duties, if he takes an annual leave, as well as in other justified cases, based on the reasoned ruling of the court president.

² The SCM Regulation stipulates that judges from different premises of the same court will be marked as “disqualified” pursuant to the provisions of the Law No. 76 on the reorganization of the courts. Additionally, the action “disqualified judges” is used in the situations of recusal of judges from the examination of cases initially assigned to them, in line with the provisions from art. 35 CPP and art. 53 CPC, and in compliance with the art. 33 CPP and art. 49 CPC, which refer to the disqualification of a judge to ensure he does not participate in the adjudication of the same case.

The detailed information about these judges in each court is presented in the Excel spreadsheet appended to this Report.

Table 1. Blocked judges

No.	Court	Total number of active judges in April, 2019	Number of instances when judges were blocked	ICMS user who performed the action
1	Chisinau Court	122	16	ICMS Manager
2	Cahul Court	10	7	ICMS Manager
3	Balti Court	23	4	ICMS Manager

Table 2. Judges marked as “disqualified” in the ICMS

No.	Court	Total number of active judges in April 2019	Instances of using the option “Disqualified Judges” in the ICMS		
			Total number of instances when the option was used	ICMS users who performed the actions/ No. actions	Total number of judges marked as “disqualified”
I	Chisinau Court of Appeal	49	333	<ul style="list-style-type: none"> • Boaghe Olga – 1 • Bolfa Ala – 41 • Calalb Lilia – 80 • Catana Tatiana – 1 • Ciobanu Zinaida – 2 • Coca Marin – 3 • Dascal Irina – 1 • Dulgheru Aurelia – 8 • Feodorov Daniela – 1 • Goraş Vitalie – 9 • Iorga Mihai – 1 • Mirzac Victoria – 1 • Moraru Irina – 1 • Mororaş Irina – 2 • Pantea Natalia – 1 • Pascal Oxana – 1 • Plesca Ion – 2 • Plotnic Alina – 13 • Pomogaibog Irina – 37 • Reuleţ Ruslana – 22 • Robu Ana – 1 • Rusu Mariana – 33 • Samatiuc Marina – 1 • Savca Ecaterina – 1 • Seu Andriana – 3 	1366

				<ul style="list-style-type: none"> • Suman Nina – 9 • Șumleanski Irina – 52 • Țurcanu Elena – 3 • Vatavu Valentin – 1 • Zubco Svetlana – 1 	
2	Chisinau Court	122	162	<ul style="list-style-type: none"> • Aga Tatiana – 1 • Bătrînu Tatiana – 1 • Berdilo Rodica – 1 • Bondarenco Olga – 19 • Bosîi Ion – 1 • Burlacu Viorica – 14 • Chicu Liria – 1 • Cotorobai Rodica – 20 • Damaschin Nadejda – 12 • Dogot Natalia – 3 • Ghervas Lucian – 1 • Gumennii Ana – 3 • Guțan Vitalie – 2 • Mahu Cristina – 6 • Nicolaescu Liuba – 1 • Pîslari Ana – 17 • Rabovol Aurelia – 3 • Stroici Alla – 17 • Talmaci Cristina – 9 • Ursu Alina – 14 • Vovnenciuc Doinița – 4 • Zlotescu Ana – 12 	934
3	Supreme Court of Justice	23	122	<ul style="list-style-type: none"> • Bradu Tatiana – 18 • Corbu Iulia – 10 • Dioguța Zinaida – 32 • Ioniță Vera – 11 	498

				<ul style="list-style-type: none"> • Martînenko Valentina – 3 • Mîrzenco Tatiana – 46 • Şişcovschi Marina – 1 • Trufanova Olga – 1 	
4	Straseni Court	12	216	<ul style="list-style-type: none"> • Alina Rebeja – 144 • Avornic Maria – 1 • Boguşevschi Iuliana – 5 • Botnari Larisa – 56 • Dodon Valeria – 9 • Postica Aliona – 1 	240

Blocked Judges

The data analysis on the actions of blocking judges, saved in ICMS and presented for each court in the appended Excel spreadsheet,³ shows that some courts with the most frequent instances of blocking judges (**Chisinau Court, Cahul Court, Balti Court**) explain the reasons for the actions of blocking (Table 3).

³ **SOURCE:** Excel spreadsheet appended to this Report. **Judges blocked from case distribution.**

Table 3. Blocked judges

Chisinau Court	Cahul Court	Balti Court
Total number of instances when judges were blocked – 16	Total number of instances when judges were blocked - 12	Total number of instances when judges were blocked - 4
<ul style="list-style-type: none"> • Alexei Maria – (blocked once) • Cojocari Elena - (blocked once) • Dodon Viorica - (blocked once) • Dulghieru Dorin - (blocked once) • Fondos-Fraţman Mariana - (blocked once) • Galuşceac Eduard - (blocked once) • Harmanuic Petru - (blocked once) • Ionaşcu Olga - (blocked once) • Iordachi Natalia - (blocked once) • Lupaşcu Natalia - (blocked twice) • Pavliuc Ghenadie - (blocked twice) • Sanduţa Victoria - (blocked once) • Ţurcan Olesea - (blocked once) • Vasilache Serafim - (blocked once) 	<ul style="list-style-type: none"> • Dumitru Bosîi - (blocked once) • Ion Cotea - (blocked once) • Inga Gorlenco - (blocked twice) • Leonid Turculeţ - (blocked once) • Mihail Buşuleac - (blocked 6 times) • Svetlana Caitaz - (blocked once) 	<ul style="list-style-type: none"> • Svetlana Ghercavii - (blocked once) • Iurie Malcoci - (blocked once) • Adrian Clevada - (blocked once) • Hristina Craveţ - (blocked once)

Examined by the same judge/panel

In addition, the appended Excel spreadsheet presents the information about the use of the option ***“Examined by the same judge/panel”*** during the case registration and distribution by means of ICMS. This option allows automatic direct distribution of the registered case to *the judge rapporteur*, who is indicated in the case saved previously in ICMS.

The data regarding the use of the option ***“Examined by the same judge/panel,”*** saved in ICMS throughout **April 1-30, 2019**, reveals the following:⁴

- **Chisinau Court** - **1122 cases**
- **Balti Court of Appeal** - **28 cases**
- **Supreme Court of Justice** - **25 cases**
- **Chisinau Court of Appeal** - **23 cases**
- **Orhei Court** - **23 cases**

Changes in judge user roles

The appended Excel spreadsheet contains information about changes in the data regarding **judge** users for each court. According to the data retrieved from the SITCS's server that hosts ICMS, throughout **April 1-30, 2019**, the data on ICMS users who are judges was changed in the following courts:⁵

- **Chisinau Court of Appeal – 2 instances** of editing the judge role in ICMS. The system saved the addition and the deletion of the judge role for one user.
- **Criuleni Court – 1 instance** of editing the judge role in ICMS. The system saved the addition of the judge role for one user.

⁴ **SOURCE:** Excel spreadsheet appended to this Report. ***Examined by the Same Judge/Panel***

⁵ **SOURCE:** Excel spreadsheet appended to this Report. ***Changes in Judge User Roles***

Table 4. List of the courts with the highest number of blocked judges in the period November 2018 – April 2019 (6 months)

No.	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018	
		Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked
1	Chisinau Court	122	14	124	11	123	24	118	25	117	31	121	28
2	Cahul Court	10	7	10	7	10	0	10	1	10	0	11	0
3	Balti Court	23	4	23	1	23	0	23	1	22	1	24	2

Figure No 1. The courts with the highest number of blocked judges in the period November 2018 – April 2019 (6 months)

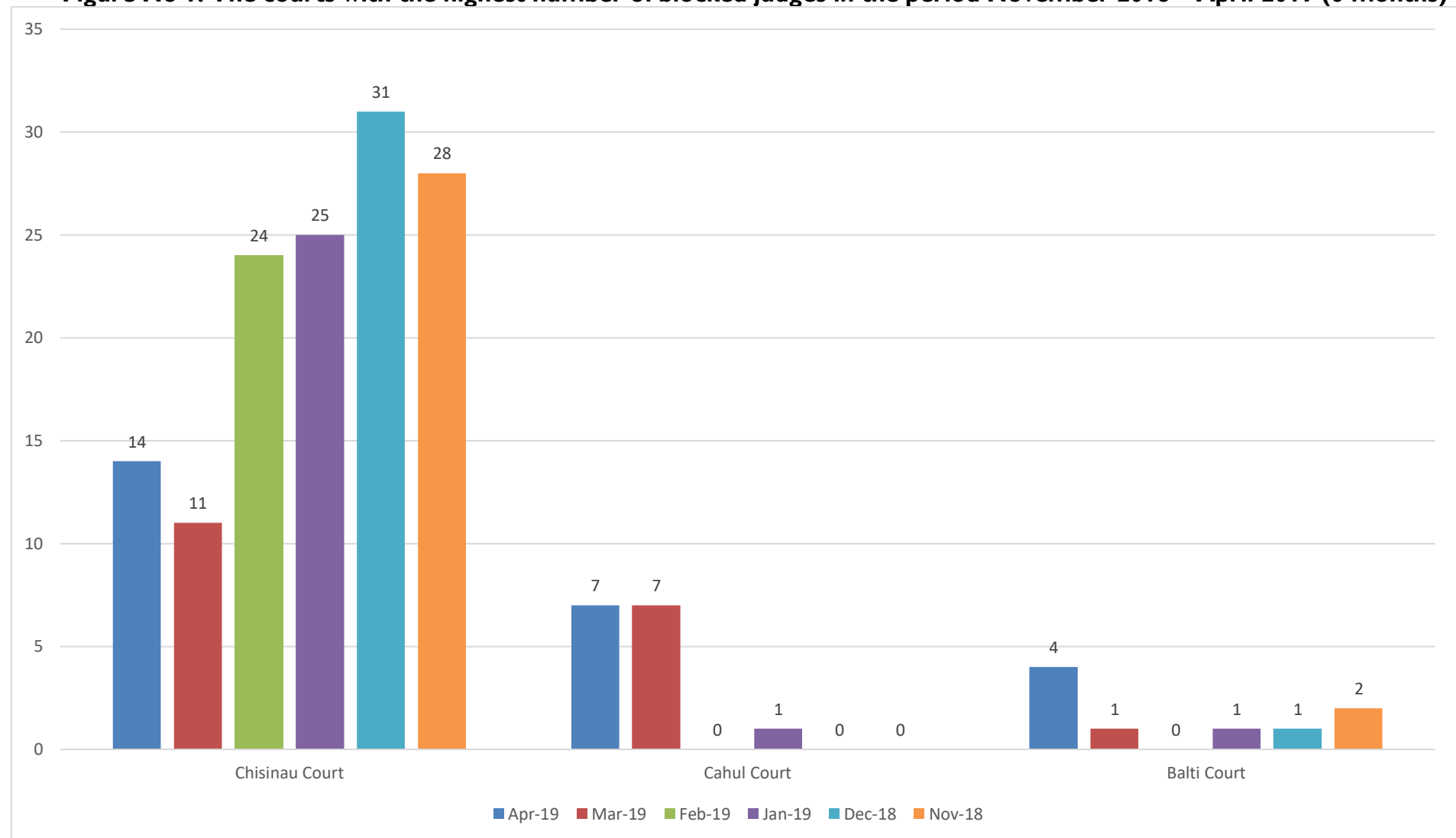


Table 5. List the courts with the highest number of judges marked as “disqualified” in the period November 2018 – April 2019 (6 months)

No	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018	
		Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"
1	Chisinau Court of Appeal	333	1366	342	1265	342	1200	395	1394	334	1266	340	1232
2	Chisinau Court	162	934	130	607	656	6703	280	2368	491	3171	500	2969
3	Supreme Court of Justice	122	498	95	357	96	427	81	388	79	404	84	591
4	Straseni Court	216	240	13	37	13	27	31	108	8	16	7	6

Figure No 2. The courts with the highest number of judges marked as “disqualified” in the period November 2018 – April 2019 (6 months)

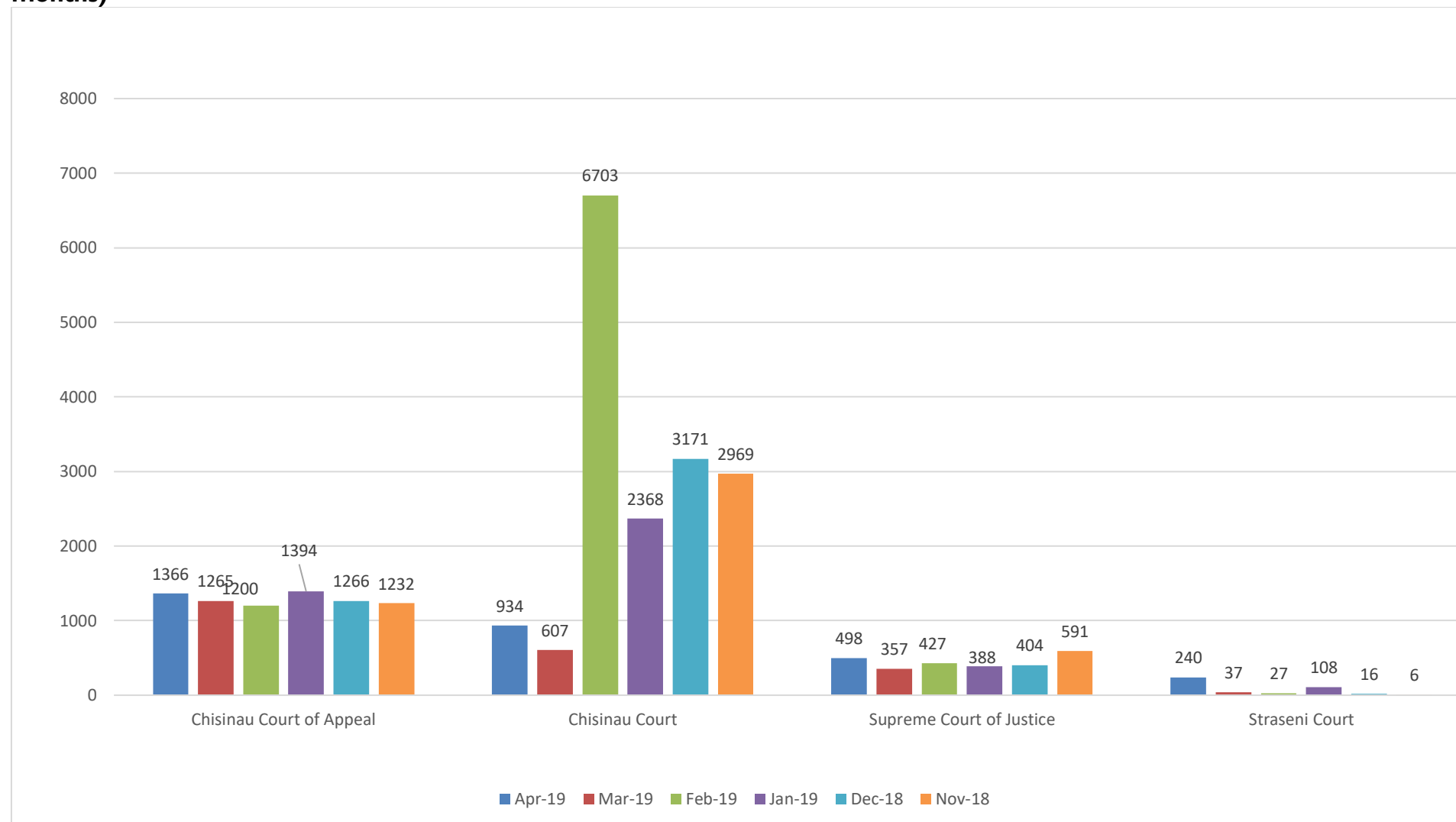


Table 6. Blocked judges during the period of May 2018 – April 2019 (12 months)

No.	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018		May 2018	
		Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges
1	Chisinau Court	122	14	124	11	123	24	118	25	117	31	121	28	127	28	115	23	100	38	120	85	120	53	127	52
2	Cahul Court	10	7	10	7	10	0	10	1	10	0	11	0	8	0	10	0	6	0	10	3	10	2	10	4
3	Balti Court	23	4	23	1	23	0	23	1	22	1	24	2	24	2	18	8	19	9	18	10	22	7	22	3
4	Drochia Court	10	2	10	1	10	0	10	2	10	1	10	0	10	0	10	3	9	1	10	4	10	6	10	1
5	Edinet Court	15	2	15	0	16	2	16	0	15	1	15	0	14	1	14	9	11	6	15	0	15	10	15	0
6	Soroca Court	8	1	8	1	8	0	8	4	9	3	9	1	9	2	9	3	8	2	9	11	10	4	10	3
7	Comrat Court	5	1	5	3	5	2	5	2	5	0	6	2	5	2	6	2	6	7	7	4	7	4	7	3
8	Orhei Court	18	1	18	1	18	1	18	4	17	4	17	3	18	1	17	4	12	3	16	7	16	9	17	4
9	Criuleni Court	7	1	7	1	7	1	8	0	8	1	8	1	8	1	8	2	8	3	9	4	8	0	9	2
10	Cimislia Court	8	1	9	1	10	0	9	1	8	0	8	0	8	0	5	1	5	1	6	2	6	3	6	1
11	Straseni Court	12	1	12	0	12	3	12	3	12	0	13	3	13	3	11	0	10	5	10	5	13	6	13	1
12	Chisinau Court of Appeal	49	1	49	0	42	2	49	3	49	2	50	2	51	5	51	0	51	5	52	4	52	1	50	4
13	Anenii Noi Court	7	1	7	0	7	1	7	2	8	0	8	1	8	0	7	1	6	2	6	3	7	4	7	2

No.	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018		May 2018	
		Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges
14	Causeni Court	7	1	8	0	7	0	7	1	7	2	7	0	7	1	7	0	7	2	6	2	6	2	8	1
15	Comrat Court of Appeal	5	1	5	0	5	0	5	1	5	0	6	1	6	0	6	0	4	3	5	4	5	2	5	3
16	Ungheni Court	10	0	10	2	10	0	12	3	12	3	11	6	12	0	9	0	11	0	10	7	12	9	12	1
17	Hancesti Court	14	0	15	1	15	0	15	0	15	1	15	6	15	1	15	3	11	6	14	6	15	4	15	6
18	Balti Court of Appeal	22	0	22	0	22	0	22	0	22	0	22	3	22	1	20	3	14	8	20	9	22	9	22	0
19	Cahul Court of Appeal	9	0	9	0	9	1	9	0	9	0	9	1	9	0	8	1	7	3	3	0	7	4	7	0
20	Supreme Court of Justice	23	0	23	0	23	0	23	0	23	0	26	0	27	0	27	0	27	0	30	0	30	0	30	0

Table 7. Judges marked as “disqualified” in the period May 2018 - April 2019 (12 months)

N o.	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018		May 2018	
		Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"
1	Chisinau Court of Appeal	333	1366	342	1265	342	1200	395	1394	334	1266	340	1232	368	1275	218	774	249	944	353	1266	342	1319	370	1300
2	Chisinau Court	162	934	130	607	656	6703	280	2368	491	3171	500	2969	162	852	103	298	58	88	211	351	193	329	207	337
3	Supreme Court of Justice	122	498	95	357	96	427	81	388	79	404	84	591	114	517	89	429	82	414	125	616	110	533	161	704
4	Straseni Court	216	240	13	37	13	27	31	108	8	16	7	6	6	9	2	2	4	16	7	7	5	5	15	73
5	Cahul Court of Appeal	189	189	76	135	38	176	34	133	4	4	25	95	36	146	11	35	6	13	0	0	43	123	43	121
6	Balti Court of Appeal	91	144	49	163	72	306	94	361	72	254	74	280	59	210	36	125	28	71	49	183	62	217	86	300
7	Drochia Court	117	136	65	80	6	9	6	6	15	16	22	24	17	22	15	7	13	19	61	73	78	87	84	89
8	Edinet Court	126	135	83	117	61	83	68	82	58	69	82	102	125	148	44	51	54	56	88	96	102	106	86	100
9	Criuleni Court	108	110	10	10	10	12	6	7	11	11	9	10	18	18	11	15	3	4	10	13	10	11	10	11
10	Orhei Court	39	54	35	37	28	33	29	32	25	33	37	50	21	34	18	29	2	2	13	17	23	25	29	33
11	Hancesti Court	14	39	18	33	17	31	30	53	34	44	24	34	12	22	6	15	9	36	8	9	10	10	18	27
12	Balti Court	10	35	13	23	2	7	0	0	1	6	1	3	0	0	3	4	1	3	0	0	131	136	1	7
13	Anenii Noi Court	17	32	5	8	6	6	13	15	3	5	6	6	5	12	8	12	5	5	4	5	17	30	16	30

N o.	Court	April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018		May 2018	
		Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"
14	Causeni Court	24	25	24	25	15	15	11	12	16	20	15	18	12	14	4	4	6	6	13	14	16	18	17	18
15	Ungheni Court	15	23	10	14	17	34	10	10	9	20	27	33	8	12	7	7	3	3	8	8	1	1	8	30
16	Comrat Court of Appeal	19	19	14	14	29	29	19	32	8	18	20	41	8	19	6	11	1	1	1	1	10	20	5	8
17	Cimislia Court	7	7	2	2	4	4	6	6	9	14	13	23	15	20	6	9	3	3	18	19	29	64	26	36
18	Soroca Court	6	6	8	8	6	6	4	4	4	5	14	19	16	22	3	9	7	8	148	147	128	128	351	352
19	Cahul Court	4	4	17	30	19	89	5	5	4	4	5	14	0	0	2	11	0	0	0	0	0	0	10	4
20	Comrat Court	4	4	3	3	7	7	2	5	39	23	11	23	16	18	2	2	0	0	18	29	24	42	32	57

**5. Report on Automatic Random Distribution of Cases
in Moldovan Courts during May 2019
(Activity 1.3.1.3 – Year 2 Work Plan)**



USAID
FROM THE AMERICAN PEOPLE

REPORT

ON THE AUTOMATIC RANDOM CASE DISTRIBUTION IN MOLDOVAN COURTS FOR THE PERIOD OF MAY 1–31, 2019

**USAID'S OPEN JUSTICE PROJECT
IN MOLDOVA**

May 31, 2019

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REPORT ON THE AUTOMATIC RANDOM CASE DISTRIBUTION IN MOLDOVAN COURTS FOR THE PERIOD OF MAY 1–31, 2019

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

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INTRODUCTION

Millennium DPI Partners, LLC, an international development firm based in the United States of America, is implementing the USAID-funded Open Justice Project in Moldova. Open Justice is assisting the Government of Moldova to improve the efficiency and transparency of the Moldovan judicial system and improve access to justice for citizens of Moldova.

Open Justice Project aims to build the capacity of the Superior Council of Magistracy (SCM) and the Agency for Court Administration (ACA) and Ministry of Justice (MOJ) to collect and analyze statistics on the justice system regarding its activity and the ability to generate and refine court performance standards, use data for budget and personnel planning, and integrate other functions required for effective, transparent, and efficient court administration. One of the key activities performed in line with that objective is the regular monitoring and follow-up on alleged manipulations in the Case Management System (CMS) and the Integrated Case Management System (ICMS) random case distribution process, as well as reporting to the SCM and ACA about the revealed irregularities, in line with the Open Justice Project Year 2 Work Plan, sub-activity 1.3.1.3.

Since November 2013 the monitoring of case distribution by means of the ICMS takes place monthly. From this, monthly reports are submitted to the SCM and the ACA. This is the sixty-sixth monitoring report on random case distribution covering the period of **May 1-31, 2019**. The data for this report is accessed by the Open Justice Program with the assistance of the Service for Information Technology and Cyber Security (SITCS, former CTS). The report is available to the public and is published on the web page of the ACA.

The random assignment of cases by means of ICMS during the period of May 1-31, 2019, has the following percentage distribution:

- **92.04 %** of the total number of incoming cases were automatically randomly distributed one time,
- **6.77 %** of cases were automatically randomly distributed twice,
- **0.97 %** of cases were automatically randomly distributed three times,
- **0.22 %** of cases were automatically randomly distributed four or more times.

Although the data on random distribution is generally positive, ICMS indicates that some courts (listed in Tables 1 and 2 below) have used the options for blocking judges¹ and marking them as “disqualified”² on many occasions, compared to the number of active judges. Judges from both categories were not eligible for random case distribution by means of ICMS.

¹ The Regulation on random distribution of cases in courts, approved by the Decision of the SCM, No. 110/5, from 5 February 2013 stipulates that a judge shall be blocked from random case distribution if he is temporarily transferred to another court or is suspended from performing his duties, if he takes an annual leave, as well as in other justified cases, based on the reasoned ruling of the court president.

² The SCM Regulation stipulates that judges from different premises of the same court will be marked as “disqualified” pursuant to the provisions of the Law No. 76 on the reorganization of the courts. Additionally, the action “disqualified judges” is used in the situations of recusal of judges from the examination of cases initially assigned to them, in line with the provisions from art. 35 CPP and art. 53 CPC, and in compliance with the art. 33 CPP and art. 49 CPC, which refer to the disqualification of a judge to ensure he does not participate in the adjudication of the same case.

The detailed information about these judges in each court is presented in the Excel spreadsheet appended to this Report.

Table 1. Blocked judges

No.	Court	Total number of active judges in May, 2019	Number of instances when judges were blocked	ICMS user who performed the action
1	Chisinau Court	122	9	ICMS Manager
2	Cahul Court	10	8	ICMS Manager
3	Edinet Court	16	5	ICMS Manager

Table 2. Judges marked as “disqualified” in the ICMS

No.	Court	Total number of active judges in May 2019	Instances of using the option “Disqualified Judges” in the ICMS		
			Total number of instances when the option was used	ICMS users who performed the actions/ No. actions	Total number of judges marked as “disqualified”
I	Chisinau Court of Appeal	48	391	<ul style="list-style-type: none"> • Alexa Olga – 1 • Boaghe Olga – 1 • Bolfa Ala – 52 • Bulgaru Daniel – 2 • Calalb Lilia – 59 • Carajea Olesea – 3 • Ceresău Cristina – 1 • Coca Marin – 1 • Coşciug Zoia – 1 • Dogotari Tatiana – 1 • Dulgheru Aurelia – 20 • Goraş Vitalie – 9 • Iorga Mihai – 1 • Lipchin Nadejda – 1 • Lungu Neonil – 1 • Pascal Oxana – 1 • Pascari Silvia – 3 • Plotnic Alina – 9 • Pomogaibog Irina – 59 • Reuleţ Ruslana – 24 • Rusu Mariana – 60 • Suman Nina – 6 • Şumleanschi Irina – 70 • Țurcan Ion – 1 • Ursu Marin – 3 	1475

				<ul style="list-style-type: none"> • Vatavu Valentin – 1 	
2	Supreme Court of Justice	23	146	<ul style="list-style-type: none"> • Bradu Tatiana – 44 • Chilian Constantin – 5 • Corbu Iulia – 3 • Dioguța Zinaida – 21 • Ioniță Vera – 7 • Mîrzenco Tatiana – 35 • Vutcariova Parascovia – 15 • Șîșcovich Marina – 10 • Martînenco Valentina – 6 	443
3	Chisinau Court	122	125	<ul style="list-style-type: none"> • Burlacu Viorica – 21 • Cebanu Speranța – 1 • Chicu Liria – 1 • Cotorobai Rodica – 28 • Damaschin Nadejda – 4 • Dogot Natalia – 11 • Gumennii Ana – 5 • Mahu Cristina – 4 • Neagu Alexandr – 2 • Negroi Malvina – 4 • Pîslari Ana – 13 • Stroici Alla – 1 • Talmaci Cristina – 17 • Țopa Oxana – 2 • Zlotescu Ana – 11 	318
4	Cahul Court of Appeal	9	252	<ul style="list-style-type: none"> • Jurca Adela – 36 • Bercaru Lidia – 39 • Daud Maria – 1 	252

				<ul style="list-style-type: none">• Lazăr Silvia – 120• Pintilei Tamara – 56	
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Blocked Judges

The data analysis on the actions of blocking judges, saved in ICMS and presented for each court in the appended Excel spreadsheet,³ shows that some courts with the most frequent instances of blocking judges (**Chisinau Court, Cahul Court, Edinet Court**) explain the reasons for the actions of blocking (Table 3).

³ **SOURCE:** Excel spreadsheet appended to this Report. **Judges blocked from case distribution.**

Table 3. Blocked judges

Chisinau Court	Cahul Court	Edinet Court
Total number of instances when judges were blocked – 16	Total number of instances when judges were blocked - 8	Total number of instances when judges were blocked - 5
<ul style="list-style-type: none"> • Avasiloaie Tatiana – (blocked once) • Băbălău Denis – (blocked once) • Beșelea Eugeniu – (blocked once) • Braga Angela – (blocked once) • Damaschin Constantin – (blocked once) • Dulghieru Dorin - (blocked 4 times) • Mazur Nadejda – (blocked once) • Papuha Serghei – (blocked once) • Postică Aureliu – (blocked 5 times) 	<ul style="list-style-type: none"> • Caitaz Svetlana - (blocked once) • Bușuleac Mihail - (blocked once) • Turculeț Leonid - (blocked once) • Gorlenco Inga - (blocked once) • Boșii Dumitru – (blocked once) • Bancov Evghenii – (blocked once) • Curtiș Marina – (blocked twice) • Uzun Svetlana – (blocked once) 	<ul style="list-style-type: none"> • Iftodii Maria – (blocked once) • Bîrsan Ghenadie – (blocked once) • Prisacari Cristina – (blocked once) • Țurcan Lilia – (blocked once) • Mazureț Roman – (blocked once)

Examined by the same judge/panel

In addition, the appended Excel spreadsheet presents the information about the use of the option ***“Examined by the same judge/panel”*** during the case registration and distribution by means of ICMS. This option allows automatic direct distribution of the registered case to *the judge rapporteur*, who is indicated in the case saved previously in ICMS.

The data regarding the use of the option ***“Examined by the same judge/panel,”*** saved in ICMS throughout **May 1-31, 2019**, reveals the following: ⁴

- ***Chisinau Court*** - **818 cases**
- ***Chisinau Court of Appeal*** - **34 cases**
- ***Orhei Court*** - **23 cases**
- ***Balti Court*** - **10 cases**
- ***Supreme Court of Justice*** - **7 cases**

Changes in judge user roles

The appended Excel spreadsheet contains information about changes in the data regarding **judge** users for each court. According to the data retrieved from the SITCS's server that hosts ICMS, throughout **May 1-31, 2019**, the data on ICMS users who are judges was changed in the following courts:⁵

- ***Chisinau Court – 20 instances*** of editing the judge role in ICMS. The system saved 10 instances of addition and 10 instances of deletion of the judge role for one user.
- ***Ungheni Court – 1 instance*** of editing the judge role in ICMS. The system saved the deletion of the judge role for one user.
- ***Criuleni Court – 1 instance*** of editing the judge role in ICMS. The system saved the addition of the judge role for one user.

⁴ ***SOURCE: Excel spreadsheet appended to this Report. Examined by the Same Judge/Panel***

⁵ ***SOURCE: Excel spreadsheet appended to this Report. Changes in Judge User Roles***

**Table 4. List of the courts with the highest number of blocked judges in the period
December 2018 – May 2019 (6 months)**

No.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018	
		Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked	Total number of active judges	Instances when judges were blocked
1	Chisinau Court	122	9	122	14	124	11	123	24	118	25	117	31
2	Cahul Court	10	8	10	7	10	7	10	0	10	1	10	0
3	Edinet Court	16	5	15	2	15	0	16	2	16	0	15	1

Figure No 1. The courts with the highest number of blocked judges in the period December 2018 – May 2019 (6 months)

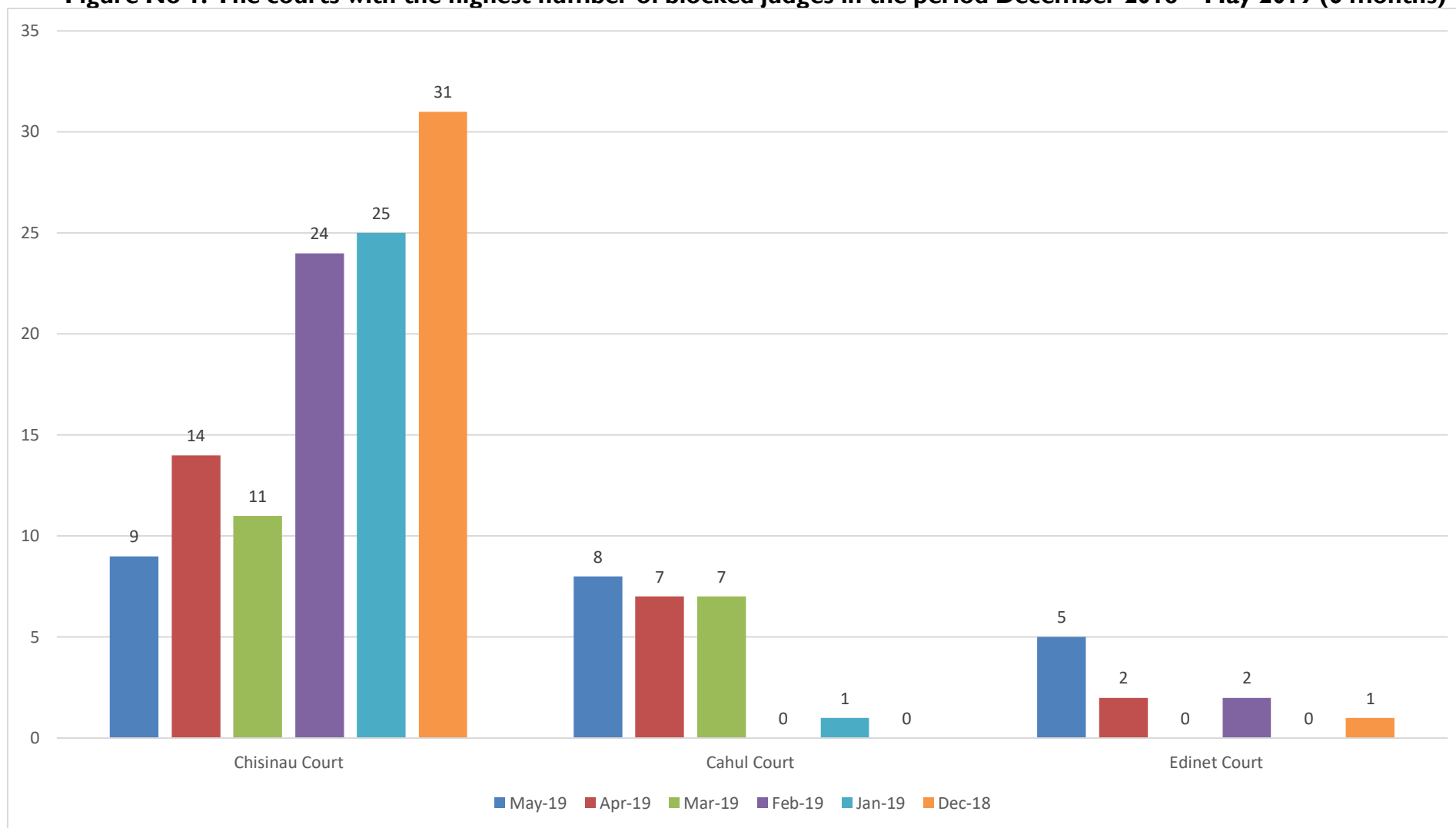


Table 5. List the courts with the highest number of judges marked as “disqualified” in the period December 2018 – May 2019 (6 months)

No.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018	
		Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"	Total number of actions "Disqualified judges"	Instances of marking the judges as "disqualified"
1	Chisinau Court of Appeal	391	1475	333	1366	342	1265	342	1200	395	1394	334	1266
2	Supreme Court of Justice	146	443	122	498	95	357	96	427	81	388	79	404
3	Chisinau Court	125	318	162	934	130	607	656	6703	280	2368	491	3171
4	Cahul Court of Appeal	252	252	189	189	76	135	38	176	34	133	4	4

Figure No 2. The courts with the highest number of judges marked as “disqualified” in the period December 2018 – May 2019 (6 months)

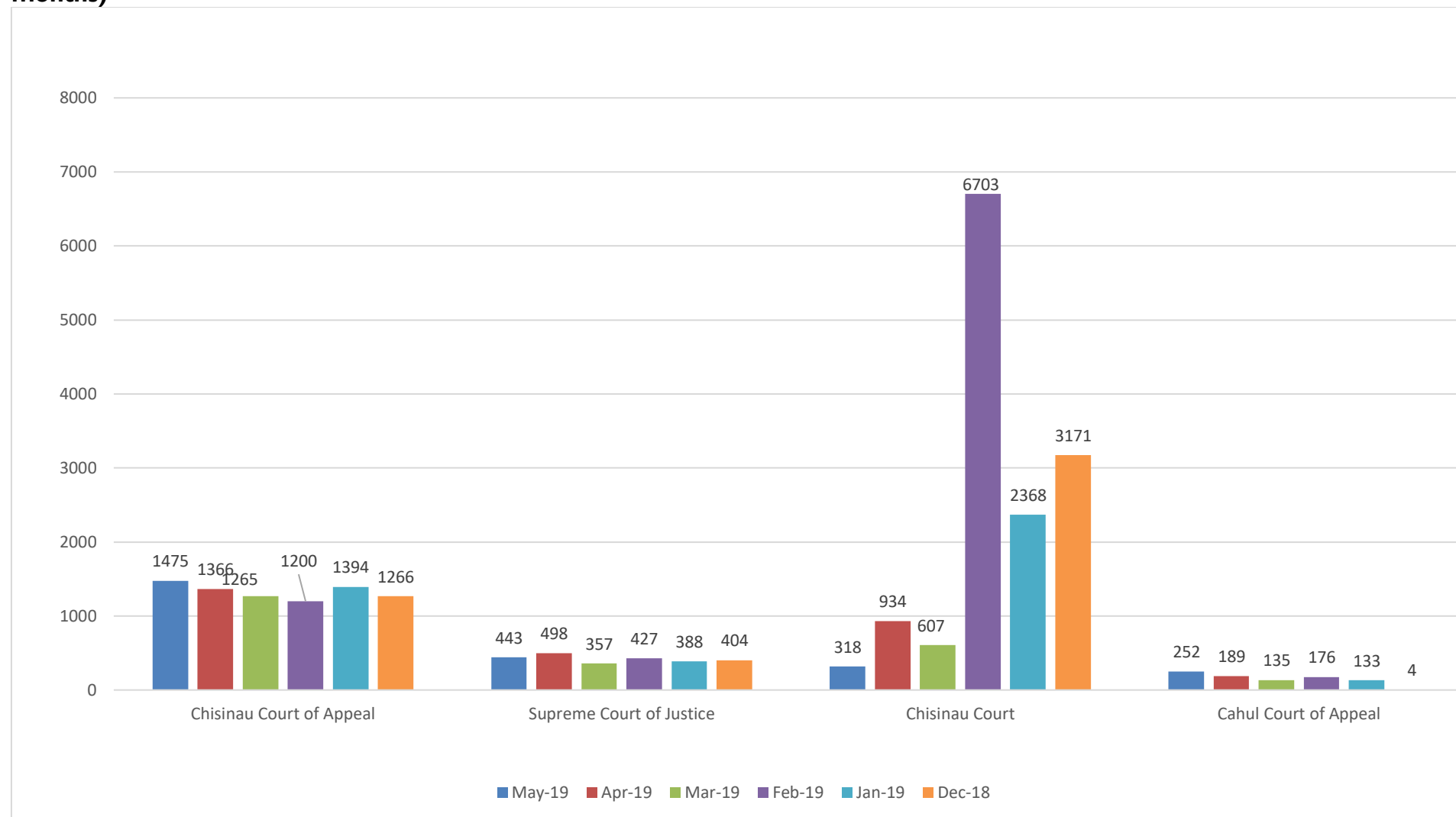


Table 6. Blocked judges during the period of June 2018 – May 2019 (12 months)

No.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018	
		Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges
1	Chisinau Court	122	9	122	14	124	11	123	24	118	25	117	31	121	28	127	28	115	23	100	38	120	85	120	53
2	Cahul Court	10	8	10	7	10	7	10	0	10	1	10	0	11	0	8	0	10	0	6	0	10	3	10	2
3	Edinet Court	16	5	15	2	15	0	16	2	16	0	15	1	15	0	14	1	14	9	11	6	15	0	15	10
4	Orhei Court	18	4	18	1	18	1	18	1	18	4	17	4	17	3	18	1	17	4	12	3	16	7	16	9
5	Criuleni Court	7	4	7	1	7	1	7	1	8	0	8	1	8	1	8	1	8	2	8	3	9	4	8	0
6	Chisinau Court of Appeal	48	4	49	1	49	0	42	2	49	3	49	2	50	2	51	5	51	0	51	5	52	4	52	1
7	Drochia Court	10	3	10	2	10	1	10	0	10	2	10	1	10	0	10	0	10	3	9	1	10	4	10	6
8	Straseni Court	12	3	12	1	12	0	12	3	12	3	12	0	13	3	13	3	11	0	10	5	10	5	13	6
9	Anenii Noi Court	7	3	7	1	7	0	7	1	7	2	8	0	8	1	8	0	7	1	6	2	6	3	7	4
10	Balti Court	23	2	23	4	23	1	23	0	23	1	22	1	24	2	24	2	18	8	19	9	18	10	22	7
11	Cimislia Court	8	2	8	1	9	1	10	0	9	1	8	0	8	0	8	0	5	1	5	1	6	2	6	3
12	Causeni Court	8	2	7	1	8	0	7	0	7	1	7	2	7	0	7	1	7	0	7	2	6	2	6	2
13	Ungheni Court	10	2	10	0	10	2	10	0	12	3	12	3	11	6	12	0	9	0	11	0	10	7	12	9

No.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018	
		Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges	Total number of active judges	Total number of blocked judges
14	Hancesti Court	14	2	14	0	15	1	15	0	15	0	15	1	15	6	15	1	15	3	11	6	14	6	15	4
15	Comrat Court	5	1	5	1	5	3	5	2	5	2	5	0	6	2	5	2	6	2	6	7	7	4	7	4
16	Soroca Court	8	0	8	1	8	1	8	0	8	4	9	3	9	1	9	2	9	3	8	2	9	11	10	4
17	Comrat Court of Appeal	5	0	5	1	5	0	5	0	5	1	5	0	6	1	6	0	6	0	4	3	5	4	5	2
18	Balti Court of Appeal	22	0	22	0	22	0	22	0	22	0	22	0	22	3	22	1	20	3	14	8	20	9	22	9
19	Cahul Court of Appeal	9	0	9	0	9	0	9	1	9	0	9	0	9	1	9	0	8	1	7	3	3	0	7	4
20	Supreme Court of Justice	23	0	23	0	23	0	23	0	23	0	23	0	26	0	27	0	27	0	27	0	30	0	30	0

Table 7. Judges marked as “disqualified” in the period June 2018 - May 2019 (12 months)

No.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018	
		Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"
1	Chisinau Court of Appeal	391	147 5	333	1366	342	1265	342	1200	395	1394	334	1266	340	1232	368	1275	218	774	249	944	353	126 6	342	131 9
2	Supreme Court of Justice	146	443	122	498	95	357	96	427	81	388	79	404	84	591	114	517	89	429	82	414	125	616	110	533
3	Chisinau Court	125	318	162	934	130	607	656	6703	280	2368	491	3171	500	2969	162	852	103	298	58	88	211	351	193	329
4	Cahul Court of Appeal	252	252	189	189	76	135	38	176	34	133	4	4	25	95	36	146	11	35	6	13	0	0	43	123
5	Straseni Court	186	244	216	240	13	37	13	27	31	108	8	16	7	6	6	9	2	2	4	16	7	7	5	5
6	Balti Court of Appeal	103	103	91	144	49	163	72	306	94	361	72	254	74	280	59	210	36	125	28	71	49	183	62	217
7	Criuleni Court	82	90	108	110	10	10	10	12	6	7	11	11	9	10	18	18	11	15	3	4	10	13	10	11
8	Orhei Court	43	55	39	54	35	37	28	33	29	32	25	33	37	50	21	34	18	29	2	2	13	17	23	25
9	Anenii Noi Court	26	55	17	32	5	8	6	6	13	15	3	5	6	6	5	12	8	12	5	5	4	5	17	30
10	Comrat Court	42	42	4	4	3	3	7	7	2	5	39	23	11	23	16	18	2	2	0	0	18	29	24	42
11	Comrat Court of Appeal	27	27	19	19	14	14	29	29	19	32	8	18	20	41	8	19	6	11	1	1	1	1	10	20
12	Causeni Court	16	23	24	25	24	25	15	15	11	12	16	20	15	18	12	14	4	4	6	6	13	14	16	18

N o.	Court	May 2019		April 2019		March 2019		February 2019		January 2019		December 2018		November 2018		October 2018		September 2018		August 2018		July 2018		June 2018	
		Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"	Total number of actions "Incompatible judges"	Instances of marking the judges as "disqualified"
13	Hancesti Court	5	20	14	39	18	33	17	31	30	53	34	44	24	34	12	22	6	15	9	36	8	9	10	10
14	Drochia Court	17	17	117	136	65	80	6	9	6	6	15	16	22	24	17	22	15	7	13	19	61	73	78	87
15	Ungheni Court	11	15	15	23	10	14	17	34	10	10	9	20	27	33	8	12	7	7	3	3	8	8	1	1
16	Soroca Court	13	13	6	6	8	8	6	6	4	4	4	5	14	19	16	22	3	9	7	8	148	147	128	128
17	Cimislia Court	9	9	7	7	2	2	4	4	6	6	9	14	13	23	15	20	6	9	3	3	18	19	29	64
18	Balti Court	8	8	10	35	13	23	2	7	0	0	1	6	1	3	0	0	3	4	1	3	0	0	131	136
19	Edinet Court	5	5	126	135	83	117	61	83	68	82	58	69	82	102	125	148	44	51	54	56	88	96	102	106
20	Cahul Court	5	5	4	4	17	30	19	89	5	5	4	4	5	14	0	0	2	11	0	0	0	0	0	0

OBJECTIVE 2

6. Report on the TOT Training and Workshop for Judicial Ethics Commission Members on the Application of the Moldovan Code of Professional Ethics and Conduct by Judges (Activity 2.2.3.1 – Year 2 Work Plan)



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REPORT

ON THE WORKSHOP AND THE TRAINING OF TRAINERS FOR JUDICIAL ETHICS COMMISSION MEMBERS ON THE APPLICATION OF THE MOLDOVAN CODE OF PROFESSIONAL ETHICS AND CONDUCT BY JUDGES

USAID'S OPEN JUSTICE PROJECT IN MOLDOVA

July 30, 2019

DISCLAIMER

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REPORT ON THE WORKSHOP AND THE TRAINING OF TRAINERS FOR JUDICIAL ETHICS COMMISSION MEMBERS ON THE APPLICATION OF THE MOLDOVAN CODE OF PROFESSIONAL ETHICS AND CONDUCT BY JUDGES

USAID's OPEN JUSTICE PROJECT IN MOLDOVA

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INTRODUCTION

Millennium DPI Partners, LLC, an international development firm based in the United States of America, is implementing the USAID-funded Open Justice Project in Moldova. Open Justice is assisting the Government of Moldova to improve the efficiency and transparency of the Moldovan judicial system and improve access to justice for citizens of Moldova.

Under Objective 2 of the Project, Open Justice is working to increase transparency and accountability in the Justice System to ensure a higher quality of justice and to foster public trust in the judicial system. Specific project activities include building the capacity of the Judicial Ethics Commission (JEC), which the Superior Council of Magistracy (SCM) made operational on July 3, 2018. In late 2018, Open Justice contracted Judge John Fields, an international judicial ethics consultant, to develop a Train the Trainer (ToT) program and conduct a workshop for the JEC to strengthen its capacities to examine ethical misconduct and issue advisory opinions involving judicial conduct dilemmas. During his engagement, while visiting Moldova in January 2019, Mr. Fields conducted meetings with various local stakeholders (SCM/JEC members, representatives of other SCM subordinated bodies, judges, legal professionals, specialized mass media and non-governmental organizations and assessed relevant documentation. As a result, the consultant prepared a substantive judicial ethics training program, including course materials and case studies for a workshop on judicial ethics, a ToT course, and a training evaluation tool for use by trainers with training participants.

On April 4-5, 2019, with Open Justice's support, Mr. John Fields conducted a Judicial Ethics workshop focused on judicial ethics and norms, case studies and a ToT on interactive training methodologies, instructor techniques, and the use of training materials and evaluation tools for JEC's members, court presidents, judges and judicial inspectors. This training will ensure the proper application of the Moldovan Code of Professional Ethics and Conduct by Judges.

The general objectives of the ToT training and the workshop were:

- To support the JEC's capacity to apply ethical norms, responding to requests for advisory opinions/recommendations on ethics and drafting of *ex officio* opinions.
- To enhance the JEC's members understanding and technical knowledge of ethics and universal best practices/standards.
- To create judicial ethics expertise within the JEC by training JEC members who can then apply the skills learned to deliver training or provide guidance on ethics to judicial peers.

METHODS

Open Justice invited SCM/JEC members, representatives of the Moldovan judiciary, members of the SCM's secretariat and judicial inspectors to discuss the role of the JEC to advise and respond to requests for guidance on ethics and ethical conduct. The workshop consisted of factual scenarios and PowerPoint slides that included ethical issues that judges regularly faced in Moldova. The ToT course focused on and highlighted proven training methods and techniques to be used when facilitating Code of Ethics training programs for judges in Moldova.

The participants had the opportunity to actively engage in discussions, participate in breakout sessions, and formulate conclusions and recommendations regarding the JEC's mandate, its advisory role, and judges' training needs going forward. The participants agreed on the need to continue to strengthen the JEC's competence and expertise.

DATES

The ToT training and the workshop took place on April 4-5, 2019.

PARTICIPANTS

A total of 18 participants attended both the workshop and the ToT training. Among the participants were the presidents of the SCM/JEC, representatives of the SCM who are JEC's members, judges (including presidents/deputy-presidents of Appellate and District Courts levels), the SCM's secretariat, judicial inspectors and development partners.

SPEAKERS/MODERATORS

- John Fields, Open Justice International Consultant
- Cristina Malai, Open Justice Chief of Party

The workshop Agenda, the ToT Agenda and photos from the training events are attached as Annexes I-3 to this report.

REPORT

REPORT ON THE WORKSHOP AND THE TRAINING OF TRAINERS FOR JUDICIAL ETHICS COMMISSION MEMBERS ON THE APPLICATION OF THE MOLDOVAN CODE OF PROFESSIONAL ETHICS AND CONDUCT BY JUDGES

With respect to the *Substantive Ethics Workshop of April 4, 2019*, it was focused upon the ethical duties and responsibilities of Moldovan judges. The ethics workshop consisted of factual scenarios that were used to facilitate discussions among the participants and to enhance the application of ethics rules to situations that judges encounter on a regular basis.

Primary concepts that were discussed by the participants included:

- A judge must avoid impropriety and the appearance of impropriety. Judges shall take reasonable precautions to prevent a reasonable person from reasonably believing that a judge engaged in impropriety.
- The Code of Ethics applies to a judge's professional and to his or her private life.
- Fairness and the appearance of fairness of a judge are critical to public trust and confidence.
- In matters involving questions of disqualification or recusal a judge should be proactive and transparent. A judge has a duty to disclose information that might cause reasonable person to believe the judge cannot be impartial in the case.
- Integrity is essential to the proper performance of a judge.
- Judicial independence must be recognized and respected by all three branches of government.
- A judge must avoid *ex-parte* communications except for those limited circumstances allowed by law, e.g. administrative scheduling matters, etc.

The *ToT Course of April 5, 2019* focused upon and highlighted excellent training methods and techniques to use when facilitating Code of Ethics training programs for judges in Moldova. It was shared with the judges that it is important for trainers to know their audience and their skills and the audience's skills and backgrounds when determining appropriate training methods. In addition to utilizing sample case scenarios, other training methods that were discussed included: *Role Plays, Videos, Breakout (Joint Work) Groups, Panel Discussions, Knowledge Evaluation Surveys, Lecture Format, and other types of training methods.*

It was emphasized and discussed amongst all of the participants that:

- Judicial ethics trainers must create a trusting, open learning environment in which the participants are always treated with respect, even if the responses of the participants are not always agreed with.

- Trainers should seek to utilize interactive training methods that create discussions amongst the participants and encourage a variety of opinions.
- Judges must be treating all persons with courtesy, dignity and respect. Judges should give special attention and consideration to a judge's tone of voice, facial expressions and non-verbal body language.
- Adult learning is more effective when visual training aids are used, i.e., PowerPoint Presentations, Flipcharts, etc.
- The curriculum on judicial ethics should be reviewed and adapted to actual ethics situations that are regularly encountered by judges in Moldova.

Throughout the ToT course the participants were actively engaged in the substantive training on judicial ethics and they also were very engaged in the discussions regarding the best methods and techniques for ethics trainings. All of the participants were quite receptive to the interactive methods of the training and they shared their thoughts and perspectives throughout the course. They were also responsive to the open-ended questions that Mr. John Fields asked as a facilitator.

Additionally, the participants engaged in discussions amongst themselves when they had different perspectives on a particular topic. In doing so, many not only shared their opinions but also the reasons supporting their opinions. This demonstrated to Open Justice that the participants were actively involved in the analysis of the provisions of the Code of Ethics and its purposes, in contrast to the prior approach of memorizing a particular section of the Code. This training will prove very beneficial when they encounter a situation that is not covered by an express provision in the Code and there is a need to interpret whether a particular action by a judge is permitted or prohibited.

The participants agreed on the need to continue to strengthen the JEC's competence and expertise. Further support is required in developing the JEC's members skills and ability to write advisory opinions on ethical issues and provide guidance on ethics to judicial peers.

FINAL CONCLUSIONS AND RECOMMENDATIONS

- The JEC's members competence and expertise in ethics needs to be strengthened.
- The JEC needs to undertake strong efforts to fully activate its function of responding to questions about ethics from judges. It was suggested that the JEC continue to draft *ex officio* model opinions on topics that are of current interest to judges and about which there is USA expertise to be considered.
- It was recommended that ethics trainings be presented at the National Institute of Justice (NIJ). A team approach to training at the NIJ that includes JEC members would be beneficial.
- Ethics trainings should be extended to local courts throughout Moldova.
- The curriculum for the ethics trainings and the training techniques should be reviewed to ensure that the training addresses the specific ethics topics that are relevant to judges throughout Moldova.
- The combining of ethics training at the NIJ and at local courts would significantly increase judges' knowledge and awareness of the provisions of the Code of Ethics.

- With increased knowledge, judges will be better able to conform their conduct to the highest ethical standards. A better understanding of the parameters of appropriate judicial conduct will minimize the likelihood of unintentional violations of ethics rules and enhance public trust and confidence that is essential to the rule of law and an independent and effective justice system.

ANNEXES

ANNEX I. AGENDA DAY I



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Open Justice Project

**WORKSHOP
FOR JUDICIAL ETHICS COMMISSION MEMBERS
ON THE APPLICATION OF THE MOLDOVAN CODE
OF PROFESSIONAL ETHICS AND CONDUCT BY JUDGES**

April 04, 2019

Chisinau, Jazz Hotel

Violin Hall, 72, Vlaicu Pârcălab Street

AGENDA

Purpose of the Workshop: An in-depth and interactive review of the Ethics Code to achieve judicial excellence and to enhance public trust and confidence in the justice system by presenting factual scenarios on ethical situations that judges face on a daily basis. Interactive discussions will take place as to how to appropriately address and respond to the ethical issues.

Participants: members of the Superior Council of Magistracy, members of the Judicial Ethics Commission and Judicial Inspection, judges, representatives of secretariat.

09:45 - 10:00	Registration of participants & Welcome coffee
10:00 - 10:15	Module I. Introductions
	Opening remarks <ul style="list-style-type: none"> - Mrs. Cristina Malai, Chief of Party, Open Justice Project - Mr. Victor Micu, President, Superior Council of Magistracy - Mr. Anatolie Galben, Chairperson, Judicial Ethics Commission - Mr. John Fields, Consultant, Open Justice Project
Moderator	Mrs. Cristina Malai, Chief of Party, Open Justice Project
Speaker	Mr. John Fields, Consultant, Open Justice Project
10:15 - 11:15	Module II. General principles
	<ul style="list-style-type: none"> • Identification of Troublesome Ethical Issues • Avoidance of Impropriety and Avoidance of the Appearance of Impropriety • Application of the Code of Ethics to Judges' Professional and Personal Lives • Fairness and the Appearance of Fairness are Critical to Public Trust and Confidence • Judicial Independence and Judicial Accountability <p>Practical Exercises & Discussions</p>
11:15 - 11:30	Coffee break
11:30 - 12:30	Module II. Judges' Professional Activity (Part I)

	<ul style="list-style-type: none"> • <i>Motions for Disqualification and Recusal of a Judge</i> • <i>Is Involvement or Membership in a Charitable Organization Permissible? Are there limitations?</i> • <i>Avoiding and Responding to Ex-Parte Communications</i> <p><i>Practical Exercises & Discussions</i></p>
12:30 - 13:30	Lunch
13:30 - 14:15	Module II. Judges' Professional Activity (Part 2)
	<ul style="list-style-type: none"> • <i>Parties, witnesses, attorneys and others are required to be treated with courtesy, dignity and respect by the judge and court staff</i> • <i>Timeliness of the completion of court cases</i> • <i>Confidentiality of deliberations amongst judges</i> • <i>Limitations/prohibitions on discussions by Judges with the Media about pending cases</i> <p><i>Practical Exercises & Discussions</i></p>
14:15 - 15:00	Module III. Judges' Private Activity
	<ul style="list-style-type: none"> • <i>Use of Social Media by a Judge. Is it permissible? Are there limitations?</i> • <i>Receipt of Gifts by Judges, family members and staff. May they be accepted under any circumstance?</i> <p><i>Practical Exercises & Discussions</i></p>
15:00 - 15:15	Coffee break
15:15 - 15:45	Module IV. The role of the Judicial Ethics Commission in Ensuring Judicial Excellence
	<ul style="list-style-type: none"> • <i>Ethics Advisory Opinions issued by the Judicial Ethics Commission are extremely beneficial to a judge</i> • <i>Other Ethical Issues of Interest to the Entire Judiciary</i> <p><i>Discussions</i></p>
15:45 - 16:00	Module V. Closing remarks

ANNEX 2. AGENDA DAY 2



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Open Justice Project

TRAINING OF TRAINERS FOR JUDICIAL ETHICS COMMISSION MEMBERS ON THE APPLICATION OF THE MOLDOVAN CODE OF PROFESSIONAL ETHICS AND CONDUCT FOR JUDGES

April 05, 2019

Chisinau, Jazz Hotel

Violin Hall, 72, Vlaicu Pârcălab Street

AGENDA

Purpose of the ToT: An Interactive Course that will focus on highlighting outstanding training methods and techniques for use when presenting informative and effective Code of Ethics Training Programs to Judges in the Republic of Moldova.

Participants: members of the Superior Council of Magistracy, members of the Judicial Ethics Commission and Judicial Inspection, judges, representatives of secretariat.

09:45 - 10:00	Registration of participants & Welcome coffee
10:00 - 10:15	Module I. Introductions
	Opening remarks <ul style="list-style-type: none"> - Mrs. Cristina Malai, Chief of Party, Open Justice Project - Mr. Victor Micu, President, Superior Council of Magistracy - Mr. Anatolie Galben, Chairperson, Judicial Ethics Commission - Mr. John Fields, Consultant, Open Justice Project
<i>Moderator</i>	<i>Mrs. Cristina Malai, Chief of Party, Open Justice Project</i>
<i>Speaker</i>	<i>Mr. John Fields, Consultant, Open Justice Project</i>
10:15 - 11:15	Module II. General principles
	<ul style="list-style-type: none"> • As a judicial ethics trainer, you are performing a valuable service! • Creating a trusting, open learning environment • Training participants to always treat and be treated with dignity and respect <p><i>Discussions</i></p>
11:15 - 11:30	Coffee break
11:30 - 12:30	Module II. Methods and training techniques (Part I)
	<ul style="list-style-type: none"> • Minimizing lectures as a training technique. Promote interactive discussions with participants • Adult learning and retention rates increase with interactive training • Interactive training methods include: <ul style="list-style-type: none"> ○ Case scenarios of sensitive ethical issues ○ Role Plays of situations that judges encounter

	<ul style="list-style-type: none"> ○ Breakout Groups encourage discussions in a smaller setting. A spokesperson of the breakout group reports back to the entire group. ○ Panel Discussions consisting of persons with substantial expertise or experience with a particular subject. ○ Knowledge Evaluation Forms completed anonymously at the beginning and/or end of the training session. Provides information regarding an individual's knowledge of the Code of Ethics. ○ Effective use of open-ended questions <p><i>Practical Exercises & Discussions</i></p>
12:30 - 13:30	Lunch
13:30 - 15:00	Module II. Methods and training techniques (Part 2)
	<ul style="list-style-type: none"> ● Facilitating Active Discussion Among the Participants <ul style="list-style-type: none"> ○ Encouraging participation by a non-responsive individual ○ Tactfully handling the situation where a participant monopolizes the discussion ● Visual Training Aids: <ul style="list-style-type: none"> ○ PowerPoint ○ Flipcharts <p><i>Practical Exercises & Discussions</i></p>
15:00 - 15:15	Coffee break
15:15 - 15:45	Module III. Reflections on the issues addressed, the format of the activities and the role of the advisory opinions in the training on judicial ethics
	<ul style="list-style-type: none"> ● Ethics topics to be emphasized during future ethics trainings ● The format of organizing / conducting future training sessions on judicial ethics: collaboration with the National Institute of Justice, other partners; location (in Chisinau, at regional level or in each court) ● Ethics Advisory Opinions by the JEC <ul style="list-style-type: none"> ○ How to encourage judges to request Advisory Opinions? ○ What topics should future ex officio Advisory Opinions cover? <p><i>Discussions</i></p>
15:45 - 16:00	Module IV. Closing remarks

ANNEX 3. PHOTOS



April 04, 2019, Day I - Judge John Fields discusses with the participants case scenarios on sensitive ethical issues.



April 05, 2019, Day II - Breakout group sessions at the ToT course.

7. FAQs for Judges on Common Ethics Dilemmas (Activity 2.2.3.3 – Year 2 Work Plan)

COMMISSION ON ETHICS AND PROFESSIONAL CONDUCT OF JUDGES

www.csm.md

Commission on Ethics and Professional Conduct of Judges

Frequently Asked Questions

Periodically, as part of their responsibilities, the Commission on Ethics and Professional Conduct of Judges issues responses to frequently asked ethics questions, consultative notes, and/or recommendations for judges on how to address ethical situations in compliance with the Code of Ethics and Professional Conduct of Judges, Annex to the Superior Council of Magistracy (“SCM”) Decision No. 230/12 of May 8, 2018, hereinafter the “Code”. Below are responses to some frequently asked questions:

1. Is it acceptable for a judge to reprimand an attorney or a participant in a public hearing?

If necessary to maintain order and decorum in the courtroom or to ensure that court orders are complied with, a judge may reprimand an attorney or a participant during a public hearing.

Article 7(2) of the Code requires judges to maintain order and a respectful environment in hearings, ensuring discipline and solemnity when conducting hearings. Judges are also required to show dignity, respect and patience towards all participants in the process. When communicating with others, the judge is required to act with an official, sober, and courteous demeanor [Article 7(3)] and also to avoid arrogance, to treat participants with respect and courtesy, and to react kindly and carefully [Article 7(6)].

Judges have a variety of tools to deal with inappropriate conduct including warnings, referrals to the attorney disciplinary body (in the case of lawyers), and imposition of contempt sanctions. Judges have considerable discretion over how a warning is given. In deciding how to respond to improper conduct by a trial participant, a judge should consider: Is this conduct that needs to be addressed immediately? How strong a response is needed to be effective? Is a stronger

response required because the improper conduct has persisted despite prior efforts to address it?

For example, Article 7(3) mandates that judges require all participants in the trial to refrain from manifesting, by words or conduct, bias or prejudice against the parties, witnesses, attorneys, and others. If an attorney makes a biased remark against a party, it would be appropriate for the judge to admonish the attorney promptly to ensure that the conduct does not continue and undermine confidence in the fairness and impartiality of the court system. If an attorney appears unprepared and is lengthening the proceedings, the judge can urge the attorney to move more quickly, but might consider deferring a discussion directly with counsel until after the proceedings.

Even if there is a clear reason for a judge to address improper conduct, they must do so in accordance with the Code's requirements that judges act with dignity, courtesy, respect, and patience towards trial participants. Judges must maintain self-control and not engage in angry, intemperate behavior. This includes both the tone and content of their remarks. (i.e. Judges should not scream at trial participants. They should focus on the improper behavior not on the person, avoiding ridicule, demeaning and derogatory personal remarks.) Otherwise, judges compromise their effectiveness and authority and also undermine public confidence in the fairness and impartiality of the judiciary.

2. Can a chief judge organize a matinee for the court employees' children to celebrate a holiday (New Year) with Santa Claus and the Snow Maiden in the courthouse during working hours?

No.

Article 6(4) of the Code requires that judges make use of available resources in an optimal and responsible way. The Commentary to Article 6 notes that court management and judges cannot abuse staff time for their own purposes or require them to provide improper or personal services to the judge. The Code does not define "resources," but it clearly extends to court staff and may also include court facilities, as well as equipment and furnishings.

The courthouse is both a workplace for court employees and a public facility. Unless the courthouse is generally available to others for such celebrations, this event would constitute using public resources for private purposes. Furthermore, if court staff are assisting in the celebration (i.e preparing for it and cleaning up

afterwards), especially during working hours, this would be an improper use of court resources for personal purposes in violation of the Code.

3. How should a judge respond to a news reporter who is persistently pursuing the judge for information about a pending case?

The judge should inform the press to communicate only through the press service of the court (Commentary to Article 9).

Article 9(4) of the Code prohibits judges from making public comments, including in mass media, on pending cases or those on appeal. The Commentary to Article 9 states that a judge may not grant a private interview to the press or others, to discuss a pending or impending case or any part thereof where there is an attempt to influence the case outcome. The Commentary notes that this would constitute a serious violation of the Code of Judicial Ethics and subject the judge to possible discipline.

4. Can a sitting judge be the founder (100%) of a business?

Yes, subject to the provisions of the Code.

Article 5(4) of the Code permits judges to hold and manage investments, including real estate, and to engage in other profitable activities, subject to the limitation that they cannot be an official, director, manager or employee of a bank, credit institution, insurance company, public enterprise or other public or state shareholding company. The Commentary to Article 5 expressly states that judges may hold financial investments and acquire economic interests in legal companies and engage in legal profitable activities.

Article 5(3) states that a judge shall refrain from financial and business transactions likely to affect their impartiality, to influence the performance of their duties, to exploit their position, or to engage in agreements with attorneys or others who might be participants in court proceedings before the judge. When a judge is the 100% owner of a company there is a greater risk for violations of the Code, such as exploiting the judge's judicial position or influencing the performance of the judge's duties. The judge should take care to ensure that this does not occur.

5. Can civil society representatives who are members of specialized boards of the SCM participate in court hearings as representatives of trial parties?

See response to No. 6 below.

6. Can members of a party be appointed as members representing civil society in the specialized boards of the SCM?

The enabling legislation for the Moldova Ethics Commission [CITE] provides that the Commission issue opinions, consultative notes, and/or recommendations for judges on the interpretation and application of the provisions of the Code of Professional Ethics and Conduct. Questions 5 and 6 relate to the activities and participation of non-judges in connection with specialized boards of the SCM. These questions are beyond the Commission's purview.

7. Is it acceptable for a judge to participate in a ceremony (wedding, baptism reception) organized by an attorney or a co-worker?

There is no ethical prohibition to a judge attending such events hosted by a co-worker (i.e. another judge or court staff).

With respect to a judge attending such events hosted by an attorney, it depends upon the judge's relationship with the attorney, whether the attorney is appearing before the judge and, to some extent, the size of the gathering. The discussion below focuses specifically on judges attending events hosted by attorneys.

The Code permits judges to engage in any social activities to the extent that they do not prejudice the authority of judicial power, the prestige of the profession, or the execution of professional obligations [Article 5(11)]. The Code mandates that a judge's extrajudicial activities shall not cast doubt on their impartiality, objectivity, or integrity [Article 5(12)].

If the wedding or baptism, hosted by an attorney, is an intimate event involving only family and close friends, a judge may attend the event if the attorney hosting the event is a close personal friend and the judge has rescued from the attorney's cases. The judge may also attend if the attorney is not likely to appear before the judge because of the nature of their practice or their geographic location.

If the attorney appears before, or is likely to appear before, the judge, ethical considerations of judicial bias or possible influence are raised. The Commentary to Article 4 of the Code states that a judge should not convey, or permit others to convey, the impression that they are in a special position to influence the judge.

If the event includes a large audience with professional and social acquaintances, in addition to family and close friends, the judge may attend if the attorney does not have matters pending before the judge. If a judge attended such an event and was later assigned a case in which the attorney appears, the judge should disclose their prior attendance in compliance with the Commentary to Article 4. The commentary requires the judge to disclose, on the record, information that the judge believes the parties or their attorneys might consider relevant to disqualification, even if the judge believes there is no real basis for the disqualification.

If the attorney has matters pending before the judge, it is the Commission's view that the judge should not attend a wedding or baptism hosted by the attorney, even if the event includes professional and social acquaintances, in addition to family and close friends. In the Commission's view, if the judge attends a social event hosted by an attorney while the attorney has a legal matter/s pending before the judge, it is likely to create the impression that the attorney may have influence over the judge or that the judge may be biased in favor of the attorney. The Commentary to Article 3 states that a judge must expect to be the subject of constant public scrutiny and must accept restrictions on their conduct that might be viewed as burdensome by an ordinary citizen. This is one of those circumstances.

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